

**RURAL MUNICIPALITY OF BRACKLEY, PEI
A BYLAW TO ESTABLISH FEES FOR VARIOUS MUNICIPAL SERVICES
BYLAW #2018-03**

BE IT ENACTED by the Council of the Rural Municipality of Brackley as follows:

1. Title

- 1.1. This bylaw shall be known and cited as the "Fees Bylaw".



2. Purpose

- 2.1 To enable the Council of the Rural Municipality of Brackley to pass bylaws establishing and requiring the payment of fees for business licenses, planning permits, inspections, parking, recreation and other matters for the purpose of raising revenues.

3. Authority

- 3.1 Subsection 162(1) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., and section the *Planning Act*, RSPEI 1988 c P-8, provides the authority for Council to pass bylaws establishing and requiring the payment of fees for business licenses, planning permits, inspections, parking, recreation and other matters for the purpose of raising revenues.

4. Application

- 4.1. This bylaw enables the authority for Council to establish fees and charges for the provision of goods and services and applies to any person on which a fee or charge is imposed under this bylaw.
- 4.2. These fees are set out in the Schedule attached to this bylaw and form part of the bylaw.

5. Definitions

- 5.1. "Act" means the *Municipal Government Act*.
- 5.2. "Chief Administrative Officer" or "CAO" means the administrative head of a municipality as appointed by Council under subsection 86(2)(c) of the *Municipal Government Act*.
- 5.3. "Council" means the Mayor and other members of the Council of the municipality.
- 5.4. "Councillor" means a member of Council other than the Mayor.

- 5.5. "Lien" means an encumbrance or charge on a property to secure the debt owed by the property owner to the Rural Municipality of Brackley.
- 5.6. "License" means a permit from the Rural Municipality Brackley to own or use something or to do a particular thing.
- 5.7. "Local improvement charge" means a fixed annual charge levied against real property for a specific period by the Rural Municipality of Brackley, which contributes to capital costs of local improvements such as sewer and water upgrades, for example.

6. Establishment of Fees

- 6.1. The Rural Municipality of Brackley hereby establishes fees to be charged for all types of planning permits, in accordance with the Act, so outlined in Schedule A attached to this bylaw.
- 6.2. Council may revise fees at any time by resolution if required, in accordance with section 135 of the Act, and shall ensure that the relevant Schedule A to this bylaw is updated.
- 6.3. The fees set out in the Schedule A to this bylaw are subject to the Harmonized Sales Tax (H.S.T.) where and if applicable.
- 6.4. In addition to the fees established in this bylaw, the Rural Municipality of Brackley may also establish fees in other bylaws where those fees are specifically related to the matter addressed in that bylaw.

7. Collection of Fees

- 7.1. The Rural Municipality of Brackley may take into revenue deposits and investments, any charges for the operation of a service or municipal utility under the control of Council and any other funds the municipality may acquire pursuant to this bylaw or any other bylaw establishing fees, in accordance with section 162 of the Act.
- 7.2. The fees and charges set out in Schedule A to this bylaw shall come into force and effect on the date of passage, unless otherwise specified.
- 7.3. All fees charged in accordance with this bylaw are owing at the time of the service, or as otherwise outlined in Schedule A to this bylaw.
- 7.4. The fees listed in Schedule A to this bylaw are in addition to any costs incurred by the Rural Municipality of Brackley, which costs may be payable in addition to the fees set out in this bylaw.
- 7.5. Pursuant to subsection 142(2), the Rural Municipality of Brackley may by resolution cancel or write off any arrears of fees, penalties or interest charges that are prescribed by bylaw or specified in a resolution that, in the opinion of Council, are no longer collectable from the person, institution, association, group or body that is liable to pay them.

Wendy M. Gore 8/22/18.
Signed Dated

8. Penalties

- 8.1. The Rural Municipality of Brackley, may, in accordance with subsection 162(3) of the Act, refuse to issue or renew any license or authorization that the municipality is authorized under this bylaw of the municipality, or under the Act or another Act, to issue or renew to a person who has failed to pay charges, fees, fines or penalties established in Schedule A to this bylaw, including any interest accruing to any of them.

9. Severance & Enforceability

- 9.1 Each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.

10. Effective Date

- 10.1. This Fees Bylaw, Bylaw #2018-03, shall be effective on the date of approval and adoption below.

First Reading:

This Fees Bylaw, Bylaw #2018-03, was read a first time at the Council meeting held on the 18th day of April, 2018.

This Fees Bylaw, Bylaw#2018-03 was approved by a majority of Council members present at the Council meeting held on the 18th day of April, 2018.

Second Reading:

This Fees Bylaw, Bylaw # 2018-03, was read a second time at the Council meeting held on the 16th day of May, 2018.

This Fees Bylaw, Bylaw #2018-03, was approved by a majority of Council members present at the Council meeting held on the 16th day of May, 2018.

Approval and Adoption by Council:

This Fees Bylaw, Bylaw #2018-03, was adopted by a majority of Council members present at the Council meeting held on the 16th day of May, 2018

11. Signatures

Cheryl Beed
Mayor

Maurin Gaudreau
Chief Administrative Officer

Schedule A

This Schedule forms part of the bylaw and may only be amended in accordance with Part 5, Division 2 of the Act.

Type of Fees	Fee Structure	Fees Due
1. Planning Permits	As per Fee Schedule attached.	Prior to the issuance of the planning permit.
2. Rental Fees for Use of Commons.	Residents are charged \$25.00 for use of facility; non-residents are charged \$100.00. Fees can be waived at Council's discretion for non-profit or charitable organizations.	Prior to use of facility.

Rural Municipality of Brackley Fee Schedule

Permit Type:	Fee:
Development Permits: - Dwellings or other Structures (excepting Accessory Building) - Accessory Building - Demolition / Moving / Change of Use - Decks, pools & fences - Special Permit Use -Permit Extension	\$200.00 \$50.00 \$50.00 \$50.00 \$200.00 permit is valid for a 12 month period (no extensions will be offered)
Subdivision: - Lot Subdivision - Lot Consolidation - Lot Revision - Change of Use	\$100.00/Lot
Official Plan/Bylaw Amendments or Rezoning	\$500.00 plus notification fees for newspaper ads and/or postage (if applicable)
Variance	\$50.00 (for variances up to 5%) \$100.00 (for variances greater than 5%)
Development Agreement	\$200.00 plus applicable Provincial Registration Fees
Subdivision Agreement	\$200.00 plus applicable Provincial Registration fees
Others	\$50.00

***Notes:**

1. All fees are subject to associated costs which may include public meeting costs such as all advertising, printing and consulting/legal fees. Council shall have the final decision in determining the total fee of the applicable costs.
2. All initial fees shall be due with the application.
3. All fees are non-refundable.
4. All fees are doubled for an application after the fact.
5. The Mayor and Councillors are exempt from the above fees.