

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2007 - 132

A BY-LAW TO PRESCRIBE DEVELOPMENT APPLICATION APPROVALS
PROCESS (DAAP) USER FEES FOR ENGINEERING ACTIVITIES
IN THE CITY OF KAWARTHA LAKES

Recitals

1. Part XII of the *Municipal Act, 2001*, as amended provides municipalities with broad powers to impose fees and charges. Specifically Section 391(1) includes imposing fees or charges for services or activities provided or done by or on behalf of it.
2. Council approved the charging of development application approvals process (DAAP) user fees for engineering activities by Resolution Number CR2007-408.
3. Section 398 of the *Municipal Act, 2001*, provides municipalities with the authority to add uncollected balance to the tax roll.
4. Council deems it advisable to establish the fees by by-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2007-132.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes.

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

“Council” or “City Council” means the municipal council for the City.

“Director of Public Works and Engineering” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“Infrastructure” means all works in relation to a proposed development that would include but are not necessarily limited to roads, storm water drainage systems, sanitary sewage systems and appurtenances, water systems and appurtenances, sidewalks, street lighting etc. and includes any ancillary works necessary in the creation of the aforementioned works.

“Site works” means all works in relation to proposed development exterior to any buildings and includes but not necessarily limited to such things as parking areas, storm water drainage systems, connections to the sanitary sewage system and water distribution system, curbs, sidewalks, lighting systems, etc. and includes any ancillary works necessary for the creation of the aforementioned works

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Engineering Fees

- 2.01 **Basic Fees Related to Subdivision Approval:** The basic engineering fee for a post draft plan approval subdivision processing fee shall be 3.5 % of the construction value of the public infrastructure created relative to the subdivision. The above mentioned fee includes all services in relation to approval of the grading on individual lots created by the proposal.
- 2.02 **Basic Fees Related to Site Plan Approval:** The basic engineering fee for post site plan approvals shall be 0.6% of the constructed value of the site works created relative to the project.
- 2.03 **Basic Fees Related to Condominium Approval:** The engineering fee for review of a condominium application shall be 3.5% of the constructed value of the infrastructure and 0.6% of the constructed value of the site works created relative to the project.
- 2.04 **Additional Charges May Apply:** The basic fee applies to a proposal of average complexity adhering to the normal review process. Abnormally complex proposals or those for which additional submissions or inspections are required in order to secure the city's approval will be charged based on the actual costs of all labour, equipment, and materials necessary to do the work.
- 2.05 **Payment of Fees:** Payments will be made in two installments. The first installment shall be 75% of the applicable fee and shall be applied against the review and approval of the engineering drawings and preparation of the development agreement. The fee shall be submitted at the time of the first submission of the engineering drawings. The second installment shall be the balance of the fee and shall be submitted prior to the execution of the agreement. Additional fees in excess of the basic fee shall be levied on time and material pastes the will be payable in full at the time of execution of the agreement or the issuance of the certificate of completion as applicable.
- 2.06 **Recovery of Outstanding Amounts:** Any unpaid fees may be recovered from securities held by the municipality in relation to the development at the discretion of the Director of Public Works and Engineering.
- 2.07 **Outstanding Amounts Added to Tax Roll:** Any unpaid fees may be added to the tax roll and collected in the same manner as municipal taxes.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Director of Public Works is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 8th day of May, 2007.

Mayor

Clerk