

**Town of O’Leary, PEI**  
**A Bylaw to Establish Fees for Various Municipal**  
**Services Bylaw # 2018-08**

**BE IT ENACTED** by the Council of the Town of O’Leary as follows:

**1. Title**

1. This bylaw shall be known and cited as the “Fees Bylaw”.

**2. Purpose**

1. To enable the Council of the Town of O’Leary to pass bylaws establishing and requiring the payment of fees for business licenses, inspections, parking, recreation and other matters for the purpose of raising revenues.

**3. Authority**

1. Subclause 162(1)(a)(i) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., and section 20 of the *Planning Act* RSPEI 1988 c P-8., enables municipalities to, by bylaw, impose requirements, establish fees and establish a process for the collection of fees.

**4. Application**

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.
2. These fees are set out in the Schedule attached to this bylaw and form part of the bylaw.

**5. Definitions**

1. “Act” means the *Municipal Government Act*.
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*.
3. “Council” means the Mayor and other members of the Council of the municipality.
4. “Councillor” means a member of Council other than the Mayor.

5. “Lien” means an encumbrance or charge on a property to secure the debt owed by the property owner to the Town of O’Leary.

“License” means a permit from the Town of O’Leary to own or use something or to do a particular thing.

6. “Local improvement charge” means a fixed annual charge levied against real property for a specific period by the Town of O’Leary which contributes to capital costs of local improvements such as sewer and water upgrades, for example.

## **6. Establishment of Fees**

1. The Town of O’Leary hereby establishes fees to be charged for business licenses, inspections, parking, recreation and other matters, in accordance with the Act.

2. The Town of O’Leary may charge fees that are higher for persons or businesses that do not reside or maintain a place of business in the municipality (clause 182(c)(ii) of the Act), where so outlined in the Schedule attached to this bylaw.

3. 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 to this bylaw is updated.

4. The fees set out in the Schedule to this bylaw are subject to the Harmonized Sales Tax (H.S.T.) where applicable.

5. In addition to the fees established in this bylaw, the Town of O’Leary may also establish fees in other bylaws where those fees are specifically related to the matter addressed in that bylaw.

## **7. Collection of Fees**

1. The Town of O’Leary 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.

2. The fees and charges set out in the Schedule to this bylaw shall come into force and effect on the date of passage, unless otherwise specified.

3. All fees charged in accordance with this bylaw are owing at the time of the service, or as otherwise outlined in the Schedule to this bylaw.

4. The fees listed in the Schedules to this bylaw are in addition to any costs incurred by

the Town of O'Leary, which costs may be payable in addition to the fees set out in this bylaw.

5. Pursuant to subsection 142(2), the Town of O'Leary 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.

## **8. Penalties**

1. The Town of O'Leary, 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 the Schedule to this bylaw, including any interest accruing to any of them.

## **9. Repeal of Existing Bylaw**

1. On adoption, this bylaw replaces Bylaw # (not applicable).

## **10. Effective Date**

1.

This Fees Bylaw, Bylaw# 2018-08, shall be effective on the date of approval and adoption below.

### **First Reading:**

This Fees Bylaw, Bylaw # 2018-08, was read a first time at the Council meeting held on the 12<sup>th</sup> day of December 2018.

This Fees Bylaw, Bylaw # 2018-08, was approved by a majority of Council members present at the Council meeting held on the 12<sup>th</sup> day of December, 2018.

### **Second Reading:**

This Fees Bylaw, Bylaw # 2018-08, was read a second time at the Council meeting held on the 11<sup>th</sup> day of January, 2019.

This Fees Bylaw, Bylaw # 2018-08, was approved by a majority of Council members present at the Council meeting held on the 11<sup>th</sup> day of January, 2019.

### **Approval and Adoption by Council:**

This Fees Bylaw, Bylaw # 2018-08, was adopted by a majority of Council members

present at the council meeting held on the 11<sup>th</sup> day of January, 2019.

ERIC GAVIN  
MAYOR

BEVERLEY SHAW  
CHIEF ADMINISTRATIVE OFFICER

THIS FEES BYLAW #2018-08 ADOPTED BY THE COUNCIL OF THE TOWN OF O'LEARY  
ON 11<sup>TH</sup> DAY OF JANUARY, 2019 IS CERTIFIED TO BE A TRUE COPY.

BEVERLEY SHAW  
CHIEF ADMINISTRATIVE OFFICER  
APRIL 25, 2019

### Schedule A

This Schedule forms part of the bylaw and may only be amended in accordance with Part 5 Division 2 of the Act. For complex fee structures, a separate schedule for each.

<b>Type of fees</b>	<b>Fee structure</b>	<b>Fees due</b>
1. Business License	\$5.00 per license	Prior to issuance of the license
2. Development / Building permit	\$25.00 per permit	Prior to issuance of the permit
3. Dog License	\$0.00	At time of registration of dog at Town Office
4. Recreation Fees	Minor sports - fees range from \$15 - \$75 dependant on sport and age and multiple registrants from same family. Sportskids \$30 Team rental of ballfields per season - \$300 entitles 1 game time and 1 practice time. Additional charge for lights at \$25 for 1 <sup>st</sup> hour and \$10 for each additional half hour	At time of registration

5. Fire Dues	<p>Charge to O’Leary Area Fire District (OAFD) equal to 73% of Fire Dept budget.</p> <p>Lady Slipper CIC - charge per property equal to rates charged by OAFD.</p> <p>Schools - charge per school equal to rate charged for large businesses by OAFD.</p>	<p>Monthly payments due first week of each month</p> <p>Annually</p> <p>Annually</p>
6. Planning permits	<p>Demolition permits - \$25.00</p> <p>Subdivision for 2 lots or minor alteration to property status - \$50</p> <p>Subdivision greater than 2 lots - \$300</p>	<p>Prior to issuance of permit</p> <p>Prior to issuance of permit</p> <p>Prior to issuance of permit</p>
7. Utility fees	See Utility bylaw	

<p>8. Admin fees</p>	<p>Photocopies -  8.5" x 11" - 15 cents our paper/10 cents own paper  8.5" x 11" double sided - 18 cents our paper /13 cents own paper  8.5" x 14" - 17 cents our paper/ 12 cents own paper  8.5" x 14" double sided - 20 cents our paper/15 cents own paper  11" x 17" - 20 cents our paper/15 cents own paper  11" x 17" double sided - 23 cents our paper/18 cents own paper  Color copies/prints - 50 cents  Laminated sheets - 50 cents  Faxes - 1 page for \$1.00/ 2 or more pages \$2.00 but only charge for long distance  Rental of complex boardroom - \$75 + HST for non residents/\$50 + HST for residents  O'Leary Retail Centre - leased to Provincial Government for cannabis retail outlet \$2000 + HST per month</p>	<p>Payable upon receipt of service. Note that copies for non profit organizations such as Figure Skating, Minor Hockey and Festival are offered at 7 cents for our paper and 5 cents for own paper.</p> <p>Payable when booking</p> <p>Payable monthly or annually</p>
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