

**THE CORPORATION OF THE TOWNSHIP OF ESSA  
PUBLIC MEETING MINUTES  
MAY 3, 2023**

**RE: PROPOSED AMENDMENT TO BY-LAW 2013-28  
FEES AND CHARGES**

**MINUTES**

A Public meeting was held Wednesday, May 3, 2023 in the Council Chambers of the Administration Centre located at 5786 County Road 21, Utopia.

In attendance: Mayor Sandie Macdonald  
Deputy Mayor, Michael Smith  
Councillor Pieter Kiezebrink  
Councillor Henry Sander  
Councillor Liana Maltby

Staff in attendance: C. Healey-Dowdall, Chief Administrative Officer  
J. Coleman, Manager of Parks and Recreation

The Mayor opened the meeting at 6:01 p.m. She stated that the purpose of the Public Meeting is to provide the public an opportunity to comment on proposed amendments to the Township of Essa's Fees and Charges By-law specifically in relation to the newly proposed fees as recommended in Staff Report C008-23, as well as the new administrative monetary penalty fees specific to automated speed enforcement.

The Chief Administrative Officer provided that administrative enforcement fees are permitted to be set by Council, however these fees are not permitted to be deemed a penalty. As such, administrative enforcement fees are required to be reasonable in nature so as to allow the municipality the opportunity to recover cost(s) for enforcement of its own municipal by-laws where infractions have been found to exist.

In accordance with section 391 of the *Municipal Act*, 2001, as amended, a municipality is permitted to impose fees or charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided; and
- (c) for the use of its property including property under its control".

Subsection 391(3) of the Municipal Act, further permits that a fee or charge may include costs related to:

- administration,
- enforcement, and
- the establishment, acquisition and replacement of capital assets.

At its meeting of April 19, 2023, Council received Staff Report C008-23 which provided an overview of newly recommended fees to be included in Essa's Fees & Charges By-law. The new proposed fees are specific to administrative enforcement fees and are restricted to the recovery of costs for the enforcement of municipal by-laws where infractions have been found to exist. It is proposed that the administrative enforcement fees be implemented to assist this municipality in the recovery of costs for resources expended to achieve compliance of municipal by-laws. These administrative fees would

be in addition to penalties that have been applied for the existing infraction in the form of a fine. Where infractions of municipal by-laws exist, the combination of administrative enforcement fees with the set fine penalty will work to achieve voluntary compliance by residents.

The proposed administrative enforcement fees where infractions of municipal by-law exist are as follows:

Name of Fee		Amount of Fee	Justification of Fee
Line Fence Dispute Application Fee		\$200.00	Recovery of costs for <i>Line Fences Act</i> dispute resolution
Municipal By-law	Name of Fee	Amount of Fee	Justification of Fee
CANINE CONTROL BY-LAW ENFORCEMENT FEES	Issuance of Dangerous Dog Declaration and/or Muzzle Order	\$200.00	Recovery of costs for investigation into dog bite/aggression (approximately 5-10 hours is involved where dog bites have occurred, per incident)
	Dangerous Dog Investigation Fee	\$50.00	- Per subsequent visit after infraction has been identified.
	Canine Control Investigation Fee	\$50.00	- To ensure compliance with dangerous dog provisions in Canine Control By-law - To ensure compliance with provisions of Canine Control By-law
SIGN BY-LAW ENFORCEMENT FEES	Issuance of Order/Notice	\$75.00	- Fee for enforcement where infraction exists
	Sign Removal Fee	\$100.00	- Cost recover for removal of up to 10 signs
	Sign Disposal Fee	Cost PLUS 25%	- To be administered where "owner" is found
UNTIDY LOT BY-LAW ENFORCEMENT FEES	Issuance of First Order/Notice	\$100.00	- Administration fee(s)
	Issuance of Second Order/Notice	\$150.00	
	Investigation Fee	\$50.00	- Per visit where infraction(s) exist, to ensure compliance has been achieved after Order(s) issued
	Clean-up Costs	Cost PLUS 25%	- Administrative fee - Covers municipality's out-of-pocket expenses in whole or in part - Coordination of contractor hired to perform works on behalf of municipality
	Officer Attendance	MLEO Rate of Pay per Hour	- MLEO is required to remain on the property for the duration while contractor performs the work(s) - This recovers the municipality's cost for compliance of municipal by-law
LITTERING / ILLEGAL	Investigation Fee	\$50.00 / hr	- Administrative Fees
	Clean-up Costs	Cost PLUS	- Recover staff costs for sifting through debris for personal information linking illegal dump to an

DUMPING BY-LAW ENFORCEMENT FEES		25%	individual - To assist in recovery of municipality's out-of-pocket expenses to clean-up - Can include staff time, transportation to/from transfer facility, mileage, disposal fee(s), rental of municipal vehicle
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In respect to the proposed Automated Speed Enforcement Administrative Monetary Fees, Ontario Regulation 355/22 made under the *Highway Traffic Act*, 1990, sets the parameters for administrative monetary penalties and associated administrative monetary fees that can be collected as a result of infractions captured through an automated speed enforcement program. The recommended fees are as follows:

Name of Fee	Amount of Fee	Justification of Fee
Non-appearance Fee (Screening)	\$60.00	- To be administered for non-appearance where appeal has been requested
Non-appearance Fee (Hearing)	\$60.00	
MTO Plate Search Fee	\$8.25	- Recovery of municipality's out-of-pocket cost associated with pulling personal information from MTO database for speeding infraction
Plate Denial Fee	\$20.00	- Per MTO Agreement
Late Payment Fee	\$20.00	- Per O. Regulation 355/22 - Per Ministry of Attorney General Agreement

The recommended fees for the automated speed enforcement administrative monetary penalty system is in line with legislation.

Mayor Macdonald advised those in attendance that speakers must state their name and address so that proper records may be kept and notice of future decisions can be sent to those persons involved in the review process. There were no comments from the public.

There were no comments or questions from Council.

The Mayor thanked all those in attendance for their participation and advised that the Clerk's Department will be preparing a By-law to be presented to Council concerning this matter at the Regular Meeting scheduled on May 17, 2023.

  
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 Sandie Macdonald  
 Mayor

  
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 Colleen Healey-Dowdall  
 Chief Administrative Officer