



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 19-05

**BEING A BY-LAW TO AMEND BY-LAW NOS. 49-96, 27-97 AND 45-97
AND TO REPEAL BY-LAW NOS. 203-87, 171-96, 215-2000 AND
232-2001 (FEE FOR SERVICES FOR CLERK'S AND CORPORATE
SERVICES DEPARTMENTS)**

WHEREAS Section 391 of the *Municipal Act, 2001* provides inter alia despite any *Act*, a municipality and a local board may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it, and

WHEREAS Section 1(2)(1) of the *Commissioner for Taking Affidavits Act*, R.S.O. 1990, Chapter 17 provides that clerks, deputy clerks and treasurers of local municipalities by virtue of office, are commissioners for taking affidavits in the county, territorial district, metropolitan, district or regional municipality in which their local municipality is situate, and

WHEREAS Section 38 of the *Vital Statistics Act*, R.S.O. 1990, Chapter V.4, as amended provides that the clerk of every municipality is, by virtue of office, division registrar of the registration division formed by the municipality, and

WHEREAS Section 11 of the *Marriage Act*, R.S.O. 1990, Chapter M.3, as amended provides inter alia that marriage licences may be issued by the clerk of every local municipality except a township, and

WHEREAS By-law No. 49-96 was passed by the Municipal Council of the Town of Fort Erie on the 4th day of March, 1996 to establish an Environmental Information Request Procedure and to establish fees, and

WHEREAS By-law No. 171-96 was passed by the Municipal Council of the Town of Fort Erie on the 19th day of August, 1996 to establish a fee for service for Commissioner for Taking Affidavits and to repeal By-law No. 230-93, and

WHEREAS By-law No. 27-97 was passed by the Municipal Council of the Town of Fort Erie on the 24th day of February, 1997 to establish the Property Information Status Report (PISR) System and to establish fees, and

WHEREAS By-law No. 27-97 was amended by By-law No. 215-2000 on the 18th day of December, 2000 to increase the fee structure for the Property Information Status Report, and

WHEREAS By-law No. 45-97 was passed by the Municipal Council of the Town of Fort Erie on the 17th day of March, 1997 to authorize certain Finance Department administration fees, and

WHEREAS By-law No. 232-2001 was passed by the Municipal Council of the Town of Fort Erie on the 10th day of December, 2001 to establish fees for services performed under the *Vital Statistics Act* and to repeal By-law No. 165-96, and

WHEREAS Report No. CS-02-05 was approved as amended at the Council-in-Committee meeting of February 7th, 2005 directing that a by-law be submitted to Council to increase the fees for the following services performed in the Clerk's Department, accordingly:

THAT: A by-law be submitted to Council to increase the fees for the following services performed in the Clerk's Department, accordingly:

Marriage Licences	\$125.00
PISR (Package #1)	\$150.00
Burial Permits/Death Registrations	\$ 20.00
Registrar Statement	\$ 15.00
Commissioner of Oaths Signatures	\$ 10.00 + additional \$10.00 for 3 or more documents
Preparation of Affidavits/Declarations	\$ 25.00
Environmental Assessment Audits	\$150.00, and

THAT: A by-law be submitted to Council to increase the fee to \$15.00 for the Tax Statement of Account and that any over the counter requests by a private citizen for personal tax information shall be free of charge.

WHEREAS it is deemed desirable to increase the fees for the aforesated services accordingly;

NOW THEREFORE the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

1. (a) THAT Paragraph 1 of the preamble of By-law No. 49-96 be and it is hereby amended by deleting same in its entirety and inserting in lieu thereof the following:

“WHEREAS Section 391 of the *Municipal Act, 2001* provides interalia despite any *Act*, a municipality and a local board may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it, and”

(b) THAT Section 5 of By-law No. 49-96 be and it is hereby amended by deleting same in its entirety and inserting in lieu thereof the following:

“5. THAT a cost recovery fee of \$150.00 be and it is hereby established.”

2. THAT the following fees be and they are hereby established and approved for each affidavit of service rendered under the *Commissioner for Taking Affidavits Act*:

(a) Commissioner of Oath signature for municipal documents	No fee
(b) Foreign Pension applications	No fee
(c) Commissioner of Oath signature for any and all other documents and certification of documentation	\$10.00
3 or more documents	\$10.00 additional
(d) Preparation of Affidavits/Declarations	\$25.00

3. THAT Section 4 of By-law No. 27-97 as amended by By-law No. 215-2000 be and it is hereby amended by deleting same in its entirety and inserting in lieu thereof the following:

“4. THAT the fee structure for the PISR be and it is hereby established at \$150.00 for the full package and \$50.00 for the partial package.”

4. THAT Section 1 of By-law No. 45-97 be and it is hereby amended in its entirety by deleting same and inserting in lieu thereof the following:

“1. (a) THAT a fee of \$15.00 be and it is hereby established and chargeable for the production of a hard copy of any tax and/or water account.

(b) THAT despite the provisions of Section 1(a) herein, any private citizen requesting a hard copy of his/her personal tax and/or water account over the counter shall receive same free of charge.”

5. THAT the following fees be and they are hereby established and approved for services performed under the *Vital Statistics Act* and the *Marriage Act*:

Marriage Licences	\$125.00
Live Birth Registrations	\$ 20.00
Burial Permits/Death Registrations	\$ 20.00
Registrar Statement	\$ 15.00

6. THAT By-law Nos. 203-87, 171-96, 215-2000 and 232-2001 be and they are hereby repealed.

7. THAT pursuant to the provisions of Section 227 of the *Municipal Act 2001*, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law.

8. THAT this by-law shall come into force and effect upon its final passage thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14TH DAY OF FEBRUARY, 2005.



 MAYOR



 CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 19-05 of the said Town. Given under my hand and the seal of the said Corporation this day of _____, 2005.