

# THE CORPORATION OF THE TOWN OF WHITBY

## BY-LAW NO. 6150-09

### BEING A BY-LAW TO IMPOSE FEES FOR CERTAIN SERVICES AND ACTIVITIES PROVIDED OR DONE BY THE TOWN OF WHITBY, PUBLIC WORKS DEPARTMENT

WHEREAS, Subsection 391 (1) of the Municipal Act, R.S.O. 2001, provides that a municipality 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, the Council of the Corporation of the Town of Whitby considers it appropriate to pass a by-law to impose fees for certain Public Works Department services and activities;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

#### DEFINITIONS

1. In this by-law
  - a) "person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the contact can apply according to law;
  - b) "Public Works Department" means the Public Works Department of the Corporation of the Town of Whitby; and,
  - c) "Town" means the Corporation of the Town of Whitby.

#### GENERAL

2. Any person making use of a Public Works Department service or activity as described in Schedules "A" & "B", attached hereto and forming part of this by-law, shall pay to the Town of Whitby the fee prescribed therefore as provided in Schedule "B" of this by-law
3. Any fee prescribed by this by-law shall be due and payable to the Town of Whitby upon demand.

#### ADMINISTRATIVE AMENDMENTS

4. Subsection (2) in Section 3 of By-law No. 4394-99, as amended and known as the Fence By-law, is deleted in its entirety and replaced with the following;

"(2) Every application for a swimming pool enclosure permit shall be made in the form prescribed by the Town and shall be accompanied by the prescribed permit fee in the amount according to the most recent Town of Whitby Public Works Fees for Services By-law, as amended, a plan showing the exact location of the swimming pool enclosure in relation to the property lines and buildings on the property, and full details of the nature of construction of the swimming pool enclosure."

5. Subsection (a) of Section 12 (3) of By-law 5695-05, as amended and known as the Permanent Sign By-law, is deleted in its entirety and replaced with the following;  
“(a) payment of the application fee in the amount according to the most recent Town of Whitby Public Works Fees for Services By-law as amended;”
6. Subsection (a) of Section 4. (5) of By-law 5696-05, as amended and known as the Temporary Sign By-law, is deleted in its entirety and replaced with the following;  
“(a) payment of the application fee in the amount according to the most recent Town of Whitby Public Works Fees for Services By-law as amended;”
7. Subsection (2) of Section 4 of By-law 4359-99, as amended and known as the Two Unit House Registration By-law, is deleted in its entirety and replaced with the following;  
“(2) Application for registration of a two unit house shall be made on the forms as prescribed by the Town from time to time, and shall include the registration fee in the amount according to the most recent Town of Whitby Public Works Fees for Services By-law as amended.


#### **REPEAL OF EXISTING BY-LAWS**

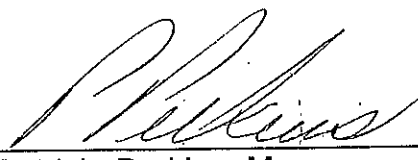
8. By-law No. 6016-08 is repealed.

#### **EFFECTIVE DATE**

9. This by-law shall come into force and take effect on the final passing of the by-law.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9th DAY OF FEBRUARY, A.D., 2009

  
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Paul Jones, Clerk

  
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Patricia Perkins, Mayor

**SCHEDULE "A"**  
**TO**  
**BY-LAW NO. 6150-09**

**Description of Services and Activities**

1. **General Photocopying:** This fee covers the costs associated with photocopying of various materials or documents.
2. **Municipal Consent Approval Fees:** This fee covers the cost of processing Municipal Consents for private utilities and all other for profit organizations.

Under several Provincial and Federal statutes the Town of Whitby is obliged to provide a location for the utilities in the road allowance. Municipal Consent approval is required by Provincial statute to install facilities with the Town of Whitby right-of-way or easement. The Municipal Consent approval process is intended to ensure that the location approved for the various utilities does not conflict with any existing utilities or municipal services as well as any future municipal requirements such as road widening or sewers.

The established fee is meant to recover staff time and other costs associated with the processing of Municipal Consents and is based on the average costs over previous years. The fees for Municipal Consent service is applicable to Bell Canada, other telephone companies, Rogers Cable TV, other cable television companies, Ontario Hydro, Hydro One, Enbridge, major oil and gas pipeline companies and all other for profit organizations.

3. **Curb Cutting:** This fee is applied to any individual property owner wishing to create or widen a driveway entrance on a Town of Whitby road which has curb and gutter. This work is performed as required by an independent Town of Whitby contractor.
4. **Road Occupancy Permits:** Utilities and Contractors frequently undertake various construction projects within the Town of Whitby road allowance which would include servicing for new development, major rehabilitation of existing plant, emergency repair to existing plant and major landscaping projects. It is a requirement of the Town of Whitby that a Road Occupancy Permit be obtained prior to any work proceeding within the public road allowance. The purpose of this permit is to:
  - inform the Municipality and Emergency Services (if affected by any road work) of the date, time and type of work being performed.
  - screen contractors to ensure they are qualified and have adequate liability,
  - provide a permanent record of work and location so the Town of Whitby can inspect the restoration and invoice the applicant for the cost of the permanent restoration by the Town of Whitby.
  - provide a permanent record for oversized loads through a yearly permit.
  - obtain permission for the use of metered parking spaces to assist with private construction activities (waste containers, cranes, etc)

It is the Town's policy to consider all restoration by the applicant, except sod, to be temporary only. The permanent restoration is completed by the Town as part of the annual concrete sidewalk construction contract. This ensures quality control to improve longevity and reduce future maintenance expenditures in repairing deficiencies.

5. **Driveway Entrance Culverts:** This fee is applied to any individual property owner wishing to create a new driveway entrance, widen an existing driveway entrance or put in a temporary entrance in a rural setting - and a culvert is required to accommodate road drainage. This work is completed by Town of Whitby Public Works staff.
6. **Deposits for Private Work (based on a 6.0m frontage):** Property owners may require access across the Town of Whitby's boulevard for construction purposes through a building permit, or pool enclosure permit. These deposits are used when damage (if any) to the sidewalk, curb and gutter, sod boulevard and/or fencing has occurred and requires restoration. Damage is assessed by Town staff and the cost for restoration calculated based on current road occupancy rates. The deposit balance, if any, is refunded to the owner. Permanent restoration is completed in the Town of Whitby contracts. Property owners are permitted to restore the sod and fencing only.
7. **Storm Sewer Connections:** The intent of this fee is to recover the cost to the Municipality for pre-installing (pre-stubbing) services for vacant and future lot severances during Municipal road reconstruction projects. New storm sewer connection charges shall be based on actual contract prices.
8. **Sidewalk Installation:** This intent of this fee is to cover the cost to the Municipality for the construction of a sidewalk that will be completed by the Municipality at a future date.
9. **Illumination Equipment Installation:** This intent of this fee is to cover the cost to the Municipality for the construction of illumination equipment which will be completed by the Municipality at a future date.
10. **Newspaper Box Approval Fee:** This fee covers the cost of processing newspaper box approvals which includes regulating newspaper boxes within the Town's rights-of-way.
11. **Fill Control Permit:** This fee covers the cost of processing a fill control application which includes Town of Whitby staff time and other costs to investigate, prohibit, and regulate the placing and dumping of fill, the removal of topsoil and the alteration of the grade of land.
12. **Outdoor Sidewalk Patio Café Permit:** This fee covers the cost of processing an Outdoor Sidewalk patio Café Permit which includes Town of Whitby staff time and other costs to investigate, prohibit, and regulate the placing and dumping of fill, the removal of topsoil and the alteration of the grade of land.
13. **Pool Enclosure Permit:** This fee covers the cost of processing a pool enclosure application which includes Town of Whitby staff time and other costs to investigate, regulate and require owners of privately-owned swimming pools to erect and maintain fences and gates around such swimming pools.
14. **Sign Permit:** This fee covers the cost of processing a sign permit application which includes Town of Whitby staff time and other costs to investigate, prohibit and regulate permanent and temporary signs erected within the municipality.
15. **Two-Unit House Registry:** This fee covers the cost of processing a Two-Unit House Registry application which includes Town staff time and other costs to investigate, regulate and require property owners to obtain registration of Two-Unit Houses.

**SCHEDULE "B"**

**TO**

**BY-LAW NO. 6150-09**

**FEES FOR SERVICES AND ACTIVITIES**

#	Item	Fee (G.S.T. not included)
1	Photocopying	
	General (8.5'x11"; 11' x 14"; 11' x 17")	\$0.62/page
	Engineering Drawings Prints (A1)	\$6.00/sheet
	Design Criteria and Engineering Standards	\$82.40/book
	Vertical Control	\$38.10/book
	Environmental Assessment Studies (EA)	\$82.40/each
	Watershed Reports	\$82.40/each
2	Municipal Consent Approval Fee	
	Per street, up to 250m length	\$300.00/each
3	Curb Cutting (subject to yearly changes)	
	Minimum charge for the first 2.0m	\$70.00/l.s.
	Cost per each additional metre	\$25.00/m
	Additional cost when cutting both sides of existing curb	\$0/order
	Additional cost per order for a Rush Order	\$100.00/each
	Administration Fee	\$75.00/each
4	Road Occupancy Permits	
	Per Permit	\$50.00/each
	Yearly Oversized Road Occupancy Permit	\$125.00/yr
	Use of Metered Parking Space	\$25.00/day/meter
	Asphalt Pavement – (Brock and Dundas Streets)	\$100.00/m <sup>2</sup>
	Asphalt Pavement – All other streets	\$90.00/m <sup>2</sup>
	Concrete Sidewalk	\$100.00/m <sup>2</sup>
	Concrete Curb and Gutter	\$120.00/m
	Brick Pavers	\$115.00/m <sup>2</sup>
	Asphalt Boulevard	\$50.00/m <sup>2</sup>
5	Driveway Entrance Culverts	
	New Culverts - (460mm x 340mm)	
	- Length of 6.0m	\$1375.00/l.s.
	- Additional lengths at time of installation	\$225.00/m
	- Culverts having larger diameter	Fee to be prorated
	Extension of Existing Culverts - (460mmx340mm)	
	- Minimum charge for a length of 1.5m	\$435.00/l.s.
	- Additional lengths at time of installation	\$290.00/m
	- Culverts having larger diameter	Fee to be prorated
	Temporary Culverts – (460mm x 360mm)	
	- Length of 6.0m or less	\$1085.00/l.s.
	- Additional lengths at time of installation	\$180.00/m
	Relocation of Existing Culverts	actual costs

#	Item	Fee (G.S.T. not included)
6	Deposits for Private Works (based 6.0m frontage)	
	Concrete Sidewalk	\$900.00
	Concrete Curb and Gutter	\$720.00
	Sodded Boulevard	\$200.00
	Fencing	\$1200.00
	Lot Sodding Deposit (Semi, Link and Street Townhouses)	\$1000.00
	Lot Sodding Deposits (Detached)	\$2000.00
7	Storm Sewer Connections (installation & sewer cost only)	
	150mm diameter	\$185.00/m
	250mm diameter	\$240.00/m
	300mm diameter	\$260.00/m
	375mm diameter	\$300.00/m
	450mm diameter	\$310.00/m
8	Sidewalk Installation	
	Concrete Sidewalk/Boulevard (removal and replacement)	\$100.00/m <sup>2</sup>
	Concrete Sidewalk/Boulevard (new in existing conditions)	\$80.00/m <sup>2</sup>
	Concrete Sidewalk and Platform	\$150.00/m <sup>2</sup>
9	Illumination Installation	
	Light Installation on existing pole	\$1500.00/each
	Hydro pole and light installation	\$5100.00/each
10	Newspaper Box Approval Fee	
	Yearly Permit – per Newspaper Company	\$300.00/year
	Reclaiming Newspaper Boxes	\$100.00/each
11	Fill Control Permit – Placing or dumping of fill, the removal of topsoil and the alteration of the grade of land	
	Site Area < 1.0 ha	\$500.00/permit
	Site Area > 1.0 ha	\$750.00/permit
12	Outdoor Sidewalk Café Permit	\$150.00/ year
13	Pool Enclosure Permit	\$200/permit
14	Sign Permit	
	Permanent Sign Permit	\$100/sign
	Temporary Sign Permit	\$100/sign
15	Two Unit House Registration	\$100/each
16	Building Permit Activity Report	
	Monthly	\$10/month
	Annually (12 reports)	\$70/year