



THE REGIONAL MUNICIPALITY OF HALTON
POLICE SERVICES BOARD

BY-LAW 2014-002

A by-law to amend Board By-law 2004-003, being a by-law imposing Fees and Charges for the Services and Activities provided or done by the Halton Regional Police Service and the Use of Properties of the Halton Regional Police Service.

WHEREAS pursuant to Part XII, Section 391(1.1) of the *Ontario Municipal Act, 2001*, S.O. 2001, c. 25, as amended (hereinafter referred to as the *Municipal Act*), a local board may pass by-laws imposing fees or charges on any class of 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 or done by or on behalf of any other municipality or local board; and
- (c) for the use of its property including property under its control.

AND WHEREAS The Regional Municipality of Halton Police Services Board is a local board of The Regional Municipality of Halton established pursuant to Section 5 (1) 1. of the *Police Services Act of Ontario*, R.S.O. 1990, c. P-15 (hereinafter referred to as the *PSA*) as mandated by Section 4 of the *PSA* and is a local board pursuant to Section 390 of the *Municipal Act* and thereby permitted to impose Fees and Charges under Part XII, Section 391(1.1) of the *Municipal Act*.

AND WHEREAS Section 391(2) of the *Municipal Act* provides that a fee or charge imposed for capital costs related to services or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time.

AND WHEREAS Section 391(3) of the *Municipal Act* provides that the costs included in a fee or charge may include costs incurred by the municipality or local board related to administration, enforcement and the establishment, acquisition and replacement of capital assets.

AND WHEREAS Section 391(4) of the *Municipal Act* provides that a fee or charge may be imposed whether or not it is mandatory for the municipality or local board imposing the fee or charge to provide or do the service or activity, pay the costs or allow the use of its property.

AND WHEREAS Section 391(5) of the *Municipal Act* provides that in the event of a conflict between a fee or charge by-law and this Act, other than this Part, or any other Act or regulation made under any other Act, the by-law prevails.

AND WHEREAS pursuant to Section 398 (1) of the *Municipal Act* Fees and Charges imposed by a municipality or local board on a person under this Part constitute a debt of the person to the municipality or local board.

AND WHEREAS Section 398 (2) of the *Municipal Act* provides that the treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, or of a local board whose area of jurisdiction includes any part of the municipality shall, add fees and charges imposed by the municipality, upper-tier municipality or local board, respectively, under this Part to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes:

1. In the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied.
2. In all other cases, any property for which all of the owners are responsible for paying the fees and charges.

AND WHEREAS The Regional Municipality of Halton Police Services Board enacted By-law No. 2004-003 on the 25th day of November, 2004;

AND WHEREAS the Council for the Regional Municipality of Halton endorsed By-law No. 2004-003 at their Council meeting held on January 19, 2005;

AND WHEREAS The Regional Municipality of Halton Police Services Board enacted By-law No. 2008-002 on the 30th day of October, 2008, amending By-law No. 2004-003, to add a charge for cost associated with administering the call service for a non-secure towing service;

NOW THEREFORE The Regional Municipality of Halton Police Services Board hereby resolves as follows:

1. That By-law 2008-002 is hereby repealed effective September 30th, 2014.
2. That Schedule "A" to By-law No. 2004-003 be amended by adding the following charge:

ROTATIONAL TOW RECOVERY:

Costs associated with administering
the call service for a non-secure
towing program.....\$55.00 per tow call for service

3. This By-law shall come into force on the 1st day of October, 2014.

This by-law is hereby approved and enacted by the Regional Municipality of Halton Police Services Board on the 7th day of August, 2014.

Rob Burton, Chairman

Dorothy McDonald, Executive Director