THE CITY OF WINNIPEG

BY-LAW NO. 196/2008

A By-law of THE CITY OF WINNIPEG to provide for inflationary increases in fees and the creation of a Fees and Charges Manual.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1. This By-law may be cited as the Fees and Charges By-law.

Definitions

2. In this By-law

"Chief Financial Officer" means the Chief Financial Officer or acting Chief Financial Officer of the City of Winnipeg appointed pursuant to *The City of Winnipeg Charter*;

"fees" means fees established by or pursuant to by-laws or resolutions of Council or committees of Council but does not include

(a) fines;

(b) penalties; or

(c) taxes or licences in lieu of taxes;

"Fees and Charges Manual" means the most recent version of the Fees and Charges Manual established pursuant to section 5 and certified by the Chief Financial Officer;

"rate of inflation" means the consumer price index for the City of Winnipeg reported by Statistics Canada or forecasted by the Conference Board of Canada;

Inflationary increase to fees authorized

3(1) The Chief Financial Officer is hereby authorized to increase annually any fee imposed by the City of Winnipeg by an amount equal to or less than the rate of inflation. Any authority delegated to another employee of the City of Winnipeg to increase fees annually by the rate of inflation is withdrawn.

3(2) Subject to subsection (3), where a fee has not been increased by a year or more, the Chief Financial Officer may increase the fee by the cumulative rate of inflation, compounded annually, since

(a) the year in which the fee was last increased; or

(b) four years prior to the current year;

whichever is the most recent.

3(3) The cumulative fee increase referred to in subsection (2) must not exceed $.05.

Rounding authorized
4 The Chief Financial Officer may round fees up or down to the nearest nickel, dime, quarter, dollar or ten dollars as he or she considers appropriate for ease of payment.

CFO authorized to establish and set administrative fees
5 Notwithstanding any existing By-law or resolution to the contrary, the Chief Financial Officer may establish, rescind and determine the amount of fees of an administrative nature.

Fees and Charges Manual established
6(1) A Fees and Charges Manual is hereby established which shall set out some or all of the fees and charges imposed by the City of Winnipeg.

6(2) The Chief Financial Officer shall ensure the continuing accuracy of the fees and charges set out in the Fees and Charges Manual and may issue new versions of the Fees and Charges Manual from time to time in order to do so.

6(3) The Chief Financial Officer must certify the accuracy of the fees set out in every version of the Fees and Charges Manual by affixing his or her signature to that version.

6(4) When the Chief Financial Officer issues a new version of the Fees and Charges Manual, all previous versions are deemed to have been rescinded and have no legal effect.

Fees and Charges Manual presumed to be accurate
7(1) Unless it can be shown to be in error or imposed without authority, the amount of a fee set out in the most recent version of the Fees and Charges Manual certified by the Chief Financial Officer supersedes the amount of that fee set out in any other By-law, resolution of Council or a Council committee, or any other document issued by the City or an employee of the City.

7(2) For greater certainty, in the absence of evidence to the contrary, where the amount of a fee set out in the most recent certified version of the Fees and Charges Manual is inconsistent with the amount of a fee set out in a by-law, a resolution or another document issued by the City or an employee of the City, the amount of the fee set out in the Fees and Charges Manual shall be presumed to be accurate and lawfully imposed.

Consequential amendment to Planning, Development and Building Fees By-law

8 Part 25 (Annual Increase in Fees) of the Planning, Development and Building Fees By-law No. 63/2008 is repealed.

DONE AND PASSED, this day of , 2008.

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Mayor

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City Clerk

Approved as to content:

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Deputy Chief Administrative Officer/ Chief Financial Officer

Approved as to form:

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For Acting City Solicitor/Manager of Legal Services