

THE CORPORATION OF THE TOWN OF GREATER NAPANEE

BY-LAW NO. 07 – 62

A By-law to Establish a Tariff of Fees for the Processing of Applications Made in Respect of Planning Matters within the Town of Greater Napanee

WHEREAS Section 69(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended (the “*Planning Act*”) provides that the council of a municipality may, by by-law, establish a tariff of fees for the processing of applications made in respect of planning matters;

AND WHEREAS Section 69(1) of the *Planning Act* provides that such tariff shall be designed to meet only the anticipated costs to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality in respect of the processing of each type of application provided for in the tariff;

AND WHEREAS the cost to the municipality may include both internal administrative costs and disbursements paid to external agencies and service suppliers;

AND WHEREAS the cost to the municipality may also include costs in connection with proceedings before the Ontario Municipal Board;

AND WHEREAS the Council of The Corporation of the Town of Greater Napanee deems it expedient to enact a by-law to establish a tariff of fees for the processing of planning applications.

NOW THEREFORE the Council of The Corporation of the Town of Greater Napanee hereby enacts as follows:

1. DEFINITIONS

In this By-Law:

- (a) “applicant” means a person who submits a planning application and, in the case of an application submitted by the authorized agent of the property owner, it shall include both the property owner and the authorized agent;
- (b) “application fee” means a fee payable for a planning application in accordance with the Tariff of Fees;
- (c) “CAO” means the Chief Administrative Officer of the Municipality;
- (d) “Council” shall mean the Council of the Corporation of the Town of Greater Napanee and includes the Committee of Adjustment for the Municipality in respect of those planning applications where the authority of Council has been delegated to it;
- (e) “external costs” shall mean all costs and expenses paid by or on behalf of the Municipality to an external agency or service provider, including but not limited

- to legal, engineering, planning, surveying, advertising and consulting costs and expenses, in connection with a planning application or its related Board appeal;
- (f) “Municipality” shall mean the Town of Greater Napanee;
 - (g) “planning application” means any application for approval made pursuant to the *Planning Act*;
 - (h) “related Board appeal” means an appeal to the Ontario Municipal Board in circumstances where the Municipality is required to appear before the Board in support of a decision by Council to approve a planning application for the benefit of the applicant; and
 - (i) “Tariff of Fees” means the tariff of application fees to be charged by the Municipality in respect of planning applications as set out in Schedule “A” to this by-law.

2. TARIFF OF FEES

The Municipality shall charge a non-refundable application fee in accordance with the Tariff of Fees for processing planning applications.

3. FEE PAYABLE UPON APPLICATION

The applicant shall pay the required application fee in full to the Municipality at the time of submitting the planning application and the Municipality shall not be required to process or otherwise consider or review the application until the fee has been paid. All applications shall be considered to be mutually exclusive and a fee is required for each application.

4. EXTERNAL COSTS

In addition to the application fee, the applicant shall pay all external costs incurred by the Municipality in respect of the planning application.

5. AGREEMENT TO INDEMNIFY

Every planning application shall include an Agreement to Indemnify as set out in Schedule “B” to this by-law that the applicant shall be required to execute and deliver to the Municipality, failing which the Municipality shall be entitled to treat the application as being incomplete for the purpose of processing or otherwise considering it.

6. DEPOSIT ON ACCOUNT OF EXTERNAL COSTS

Despite section 5, if the Municipality determines at any time or times that it will be required to incur external costs in respect of a planning application, the Municipality may require as a condition of it processing or continuing to process the planning application that the applicant deposit with the Municipality such amount or additional amounts on account of the anticipated external costs as the Development Services Department deems advisable. An initial deposit shall be required as set out in Schedule “A”.

7. If an applicant fails or refuses to comply with a request by the Municipality to deposit funds as security for external costs as required by section 6 of this by-law, the Municipality shall be entitled to cease all work in connection with the processing of the planning application until the required deposit or additional deposit has been paid.

8. PARTICIPATION IN ONTARIO MUNICIPAL BOARD PROCEEDINGS

If a decision of Council approving a planning application is appealed to the Ontario Municipal Board and the Municipality is required, or requested by the applicant, to appear as a party at the hearing of the appeal in support of its decision, the applicant shall pay any external costs incurred in connection with the hearing and the provisions of sections 6 and 7 shall apply with necessary modification.

9. ENFORCEABILITY OF AGREEMENT TO INDEMNIFY

If an applicant fails to reimburse the Municipality for its external costs when due, the applicant shall be deemed to be in default of the Agreement to Indemnify and the Municipality may, in addition to any other remedies available to it at law, recover the amount owing by action.

10. SEVERABILITY

If any section, clause, sub-clause, provision or part of this by-Law should be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole, nor any part thereof, other than the part declared invalid.

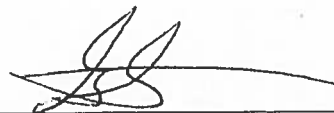
11. REPEAL OF BY-LAW

By-law No. 02-69 is hereby repealed.

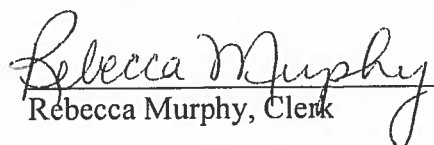
12. EFFECTIVE DATE

This by-law shall come into force and take effect immediately upon the passing thereof by Council.

Read a first and second time and finally passed this 17th day of December, 2007.



Gordon Schermerhorn, Mayor



Rebecca Murphy, Clerk

SCHEDULE "A"
TO
PLANNING FEES BY-LAW

Type of Application	Fee Payable	Initial Deposit Payable
Application to Committee of Adjustment		
Minor Variance	\$500.00	\$0
Severance/Consent (deposit only required if property is not on municipal water service)	\$500.00	\$500.00
Certificate of Validation	\$500.00	\$1,500.00
Application for Zoning By-law Amendment		
Zoning By-law Amendment	\$500.00	\$1,500.00
Removal of "H" Symbol	\$500.00	\$1,000.00
Application for Official Plan Amendment		
Official Plan Amendment	\$500.00	\$1,500.00
Application for Plan of Subdivision, Condominium or Conversion of Rental Property to Condominium etc.		
Request Draft Plan Approval	\$2,000.00	\$5,000.00
Amend Draft Plan Conditions	\$500.00	\$1,500.00
Request for Final Plan Approval	\$2,000.00	\$5,000.00
Amend Subdivision or Condominium Agreement	\$500.00	\$1,500.00
Application for Site Plan Control Agreement		
<u>Minor Site Plan</u> : Up to an including 6 multi-family residential units or commercial/industrial development up to 465 sq.m. (5,000 sq.ft.)	\$1,000.00	\$1,500.00
<u>Major Site Plan</u> : Greater than 6 multi-family residential units or commercial/industrial development greater than 465 sq.m. (5,001 sq.ft.)	\$1,500.00	\$1,500.00
Application for Lifting Part-lot Control	\$500.00 plus \$100.00/lot	\$1,500.00
Application for Foreclosure or Exercise of Power of Sale	\$500.00	\$1,500.00

All of the foregoing application fees are non-refundable and do not include any external costs that the Municipality may incur in connection with its review of the application.

SCHEDULE "B"
TO
PLANNING FEES BY-LAW

AGREEMENT TO INDEMNIFY

The applicant hereby agrees to indemnify and save harmless The Corporation of the Town of Greater Napanee ("the Municipality") from all costs and expenses that the Municipality may incur in connection with the processing of the applicant's application for approval under the Planning Act.

Without limiting the foregoing, such costs and expenses will include all legal, engineering, planning, advertising and consulting fees and charges incurred or payable by the Municipality to process the application together with all costs and expenses arising from or incurred in connection with the Municipality being required, or requested by the applicant, to appear at the hearing of any appeal to the Ontario Municipal Board from any decision of the Council or Committee of Adjustment, as the case may be, approving the applicant's application.

The applicant acknowledges and agrees that if any amount owing to the Municipality in respect of the application is not paid when due, the Municipality will not be required to process or to continue processing the application, or to appear before the Ontario Municipal Board in support of a decision approving the application until the amount has been paid in full.

The applicant further acknowledges and agrees that any amount owing by the applicant to the Municipality is, when due, a debt of the applicant and the Municipality may, in addition to any other remedies available to it at law, recover the amount owing together with interest from the applicant by action.

Witness

Applicant

Witness

Applicant