

(Office Consolidation as of April 15, 2026)

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**

Originally Passed: December 17, 2007

As Amended By:

By-law Number:

Date Passed:

2020-0046

August 18, 2020

2026-0039

April 14, 2026

Note: This consolidation is provided for convenience purposes only. Every effort is made to ensure the accuracy of this information, however it is not to be used in place of actual by-laws. Users should consult the original by-laws for purposes of interpretation and application.

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 Local Planning Appeal Tribunal (LPAT) 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 Local Planning Appeal Tribunal (LPAT) appeal" means an appeal to the Local Planning Appeal Tribunal (LPAT) in circumstances where the Municipality is required to appear before the Tribunal 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 an application fee in accordance with the Tariff of Fees for processing planning applications. Notwithstanding the tariff of fees prescribed in this by-law, the Council of the Corporation of the Town of Greater Napanee may, pursuant to Section 69(2) of the Planning Act reduce the amount of, or waive the requirement for the payment of a fee in respect of the application where the Council is satisfied that it would be unreasonable to require payment in accordance with the tariff.

3. FEE PAYABLE UPON APPLICATION

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", however the Development Services Department may waive the requirement to provide the initial deposit at the time of 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 its 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. LOCAL PLANNING APPEAL TRIBUNAL (LPAT) PROCEEDINGS

If a decision of Council approving a planning application is appealed to the Local Planning Appeal Tribunal (LPAT) 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

TOWN OF GREATER NAPANEE

**Schedule “A” to By-law No. 07-62: Tariff of Planning Fees By-law, as amended by
By-law No. 2020-0046 and further amended by By-law No. 2026-0039**

Planning Application Fees

Type of Application	Fee Payable	Initial Deposit Payable
Application to Committee of Adjustment		
Minor Variance	\$1,000	\$0
Severance/Consent (deposit only required if property is not on municipal services)	\$1,500	\$1,000
Certificate of Validation	\$1,000	\$1,500
Application for Zoning By-law Amendment		
Zoning By-law Amendment	\$2,500	\$2,500
Removal of “H” Symbol	\$1,000	\$1,000
Application for Official Plan Amendment		
Official Plan Amendment	\$3,000	\$1,500
Application for Plan of Subdivision, Condominium or Conversion of Rental Property to Condominium etc.		
Request Draft Plan Approval		
20 Units of less	\$4,000	\$5,000
21 Units or more	\$6,000	\$10,000
Amend Draft Plan Conditions	\$1,000	
Request for Final Plan Approval	\$2,000	\$5,000
Amend Subdivision or Condominium Agreement	\$1,000.00	\$1,500
Extension of Draft Plan Approval	\$500.00	
Pre-Consultation Meeting		
Pre-consultation meeting	\$100	

Application for Site Plan Control Agreement

<u>Minor Site Plan</u> : Up to 20 multi-family residential units or commercial/industrial development totaling up to 465 m ² (5,000 ft ²)	\$2,000	\$2,500
<u>Major Site Plan</u> : Greater than 20 multi-family residential units or commercial/industrial development totaling greater than 465 m ² (5,000 ft ²)	\$4,500	\$5,000
Application for Lifting Part-lot Control	\$1,000 plus \$100.00/lot created	\$1,500
Application for Foreclosure or Exercise of Power of Sale	\$500	\$1,500

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.

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 Local Planning Appeal Tribunal (LPAT) or any court or other administrative tribunal from any decision of the Council or Committee of Adjustment, as the case may be, in support of a decision 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 Local Planning Appeal Tribunal (LPAT) or any court or other administrative tribunal 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.

Dated at _____ this _____ day of _____, 20__

Witness

Applicant

Witness

Applicant