

The Corporation of the Township of Central Frontenac

By-Law Number 2023-59

A By-Law to Prescribe a Tariff of Fees for the Processing of Applications Made in Respect of Planning Matters and to Repeal By-Law Number 2008-255

Whereas Section 69.1(1) of the Planning Act, R.S.O. 1990, provides that the council of a municipality, by by-law, may establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated costs to the municipality or to a Committee of Adjustment constituted by the council of the municipality in respect of the processing of each type of application provided for in the application; and,

Whereas the costs to the municipality may include internal administrative costs, disbursements paid to external agencies and service providers, and costs associated with proceedings before the Ontario Land Tribunal; and,

Whereas the Council of the Corporation of the Township of Central Frontenac deems it expedient to enact a by-law to establish a tariff of fees associated with the processing of planning applications.

Now therefore, the Council of The Corporation of the Township of Central Frontenac (hereinafter, the "Municipality") enacts as follows:

1. **Tariff of Fees**
Council hereby establishes the fees and charges as set out in Schedule A to this by-law for The Corporation of the Township of Central Frontenac. The fees and charges will be subject to Harmonized Sales Tax (HST) and Retail Sales Tax (RST), where applicable.
2. **Indexing of Fees**
That fees and charges shall be adjusted annually, on January 1, by the Consumer Price Core Index of the third quarter of the prior year plus 1% for capital purposes, where feasible.
3. That in those instances where the fee is not adjusted by the Consumer Price Index composite index in one year, the cumulative adjustment for past years may be made in future years, as approved by council.
4. Despite paragraphs 2 and 3, fees and charges may be adjusted, as approved by council, to recover at a minimum, respective service, administration and capital costs, as well as costs for any other purpose in any amount permitted under applicable law.
5. **Fee Payable Upon Application**
The applicant shall pay the required fee in full to the Municipality when submitting a planning application. The submission of the fee is required before the application is deemed to be complete.

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6. 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.

7. The following maximum number hours for review by the Township Planner are included in the application:

- a. Official Plan Amendment – 20 hours
- b. Zoning By-Law Amendment – 15 hours
- c. Plan of Subdivision/Condominium
 - 1 to 20 lots/units – 25 hours
 - Greater than 20 lots/units – 35 hours
- d. Site Plan Control
 - Minor – 15 hours
 - Major – 25 hours
 - Modification – 10 hours
- e. Consent/Minor Variance/Permission – 10 hours

8. Any hours for review by the Township Planner exceeding the allocated hours as outlined in Clause 7 shall be considered external costs to be paid by the applicant, at the Review by Planner hourly rate in Schedule A to this by-law.

9. 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.

10. Deposit on Account of External Costs

Despite Section 7, 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 amounts on account of the anticipated external costs, as outlined in Schedule A to this by-law or as the CAO/Clerk deems advisable.

11. 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 8 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 has been paid.

12. Participation in Tribunal Proceedings

If a decision of Council approving a planning application is appealed to the Ontario Land Tribunal 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 provisions of Sections 8 through 10 shall apply with the necessary modification.

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13. **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 by law, recover the amount owing by action.
14. **Unpaid Fees**
That any portion of a fee or charge that remains unpaid beyond the date fixed for payment may bear interest at the rate of 1.25% (15% per annum) after thirty (30) days and each month thereafter until such fee or charge is paid in full.
15. That the Township may use a registered collection agency to collect any unpaid fee or charge, including interest charged pursuant to paragraph 13 and the collection agency's fees, as approved by the Township, shall be added to the unpaid amounts to become the total amount payable to the collection agency.
16. That the treasurer shall add unpaid fees and charges imposed by the municipality to the tax roll for the subject property and collect them in the same manner as municipal taxes.
17. **Refund of Deposit**
Any remaining monies in a deposit shall be returned to the applicant, without interest, upon a decision being made on the application, the appeal period lapsing without an appeal, the resolution of any appeal, and the closing of the file by the Municipality.
18. **Reduction or Waiver of Fees**
All fees are non-refundable. Any request for a reduction or waiver of fees shall be submitted in writing to the CAO/Clerk for Council's consideration, include a staff report if required, and be approved by Council resolution.
19. **This Tariff of Fees to Take Precedence**
That where this by-law established a fee and charge for a fee that also exists in another by-law that predates the effective date of this by-law, the fee and charge in this by-law shall be the applicable fee and charge and the other bylaw is hereby effectively amended.
20. **Amendments**
That any amendments or additions to the Tariff of Fees for Planning Applications shall be authorized by by-law.
21. **Severability**
Should any part of this by-law, including any part of any schedule, be determined by a court of competent jurisdiction to be invalid or of no force and effect, it is council's intention that such invalid part of this by-law shall be severable and that the remainder of this by-law including the remainder of the impugned schedule, as applicable, shall continue to operate and to be in force and effect.
22. That By-Law Number 2008-255 is hereby repealed.

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23. This By-Law shall come into force and take effect on the final passing thereof.

Read a first and second time this 14th day of November, 2023

Read a third time and finally passed this 14th day of November, 2023

_ Frances Smith, Mayor

_ Cathy MacMunn, CAO/Clerk