

THE RURAL MUNICIPALITY OF WEST ST. PAUL

BY-LAW NO. 5/2001

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WEST ST. PAUL (THE "MUNICIPALITY") TO PROVIDE FOR THE IMPOSITION OF A CAPITAL LEVY ON ALL NEW LOTS CREATED BY SUBDIVISION OF LANDS WITHIN THE MUNICIPALITY.

WHEREAS Section 74(2) of The Planning Act, ("the Act") R.S.M. 1987, c P80, provides as follows:

"74 (2) The council of a municipality may pass a by-law prescribing the scale of levies to be paid by an applicant for subdivision approval as compensation to the municipality for the capital costs specified in the by-law and that may be incurred by the municipality wholly or in part by reason of such subdivision of land and no such levy shall be charged or paid except pursuant to such by-law."

AND WHEREAS the Council of The Rural Municipality has reviewed the existing capital infrastructure of the Municipality and the anticipated future capital needs of the Municipality, demand for which may be created or accelerated by development including:

- a) sewage lagoon;
- b) sewage collection system;
- c) water treatment and distribution system;
- d) police, fire buildings and major fire equipment;
- e) roads and road systems;
- f) public works, buildings and major equipment;
- g) parks, recreational facilities, pools, arenas and walkways;
- h) nuisance grounds and refuse collection areas and equipment;
- i) civic assembly hall and administration offices; and
- j) other capital works, structures and equipment.

AND WHEREAS purchasers of new lots shall be entitled to receive and benefit of all such existing and future capital infrastructure.

AND WHEREAS the Council of The Rural Municipality of West St. Paul deems it prudent and in the best interests of the Municipality to ensure that a sufficient capital levy is obtained from new lots created by subdivision within the Municipality to contribute to the anticipated necessary capital development, capital repairs, expansion, replacement and renewal of the capital infrastructure of the Municipality.

AND WHEREAS the Council of the Municipality desires to enact a by-law prescribing the scale of levies to be paid by an applicant for subdivision approval as compensation to the Municipality for capital costs pursuant to Section 74(2) of The Planning Act.

AND WHEREAS the Council of the Municipality desires to enact a by-law prescribing the imposition of capital levies on all new lots created by subdivision of lands within the Municipality and establishing a reserve fund for those capital levies.

NOW THEREFORE it is hereby enacted by the Council of the Municipality duly assembled as follows:

1. THAT a capital levy be assessed, charged and imposed upon any applicant for subdivision approval in accordance with the following prescribed scale:
 - a) THREE THOUSAND DOLLARS (\$3,000.00) as a capital levy on each new single family residential lot created by subdivision of land West of P.T.H. #9;
 - (b) THREE THOUSAND DOLLARS (\$3,000.00) as a capital levy on each new single family residential lot created by subdivision of land East of P.T.H. #9;

- (c) TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) as capital levy on each new single family residential building lot created by subdivision of land which allowed for an infill within the "RR 2" (Residential Rural Zone) Zoned Area;
 - (d) TEN PER CENTUM (10%) of the market value of any new commercial, industrial or multi-family residential lot created by subdivision;
 - (e) SEVEN HUNDRED AND FIFTY DOLLARS (\$750.00) as a green space dedication on each new lot created by a subdivision of land.
2. THAT in this By-law, the term "market value" shall mean the amount that, in the opinion of Council, the property might reasonably be expected to realize if sold in the open market by a willing seller to a willing buyer.
3. THAT all such dedication shall be paid as a condition of subdivision approval and no subdivision shall be approved;
- (a) except subject to a condition requiring the payment of the applicable capital levy;
 - (b) until such capital levy has been paid or arrangements satisfactory to the Municipality for the payment of the capital levy have been made, including, if required, the posting of security to ensure payment of the capital levy in accordance with such arrangement.
4. THAT the Municipality shall maintain a reserve fund for the purposes of the capital levies paid to the Municipality pursuant to this by-law and funds paid into the reserve fund shall be used for capital purposes only, including capital expenditures for developing, repairing, expanding, replacing or renewing the capital infrastructure of the Municipality.
5. THAT By-law No. 18/95 is hereby repealed.
6. THAT this by-law shall come into effect on the day it is passed by Council.

DONE AND PASSED in open Council assembled at the Municipal Hall, Middlechurch, in the Province of Manitoba, this _____ day of _____ A.D. 2001.

RURAL MUNICIPALITY OF WEST ST. PAUL

REEVE

CHIEF ADMINISTRATIVE OFFICER

Read a first time this ____ day of _____, A.D. 2001.

Read a second time this ____ day of _____, A.D.2001.

Read a third time this ____ day of _____, A.D. 2001.