

THE RURAL MUNICIPALITY OF WEST ST. PAUL

BY-LAW NO. 5/2005

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:

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 systems, liquid or solid;
- b) Water treatment and distribution system;
- c) Drainage construction and maintenance;
- d) Road construction and maintenance;
- e) Police, fire buildings and emergency equipment;
- f) Public works, buildings and major equipment;
- g) Recreational facilities;
- h) Nuisance grounds and refuse collection areas and equipment;
- i) Civic buildings; and
- j) Other capital works, structures and equipment.

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 developments 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 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 lots created by development 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:

THAT levies be imposed shall be paid only in respect of the number of parcels or units created in addition to the number of parcels or units existing at the time of development.

THAT levies be imposed upon any applicant for development subject to the following tables:

Note: The following fees are to be combined from each table.

Capital Levy

Class of Development	Fees
Residential	\$3,300/lot
Multi-family Residential	\$2,000/dwelling unit
Commercial, Industrial, Agricultural	\$3,300/lot

Public Reserve Levy

Class of Development	Fees
Residential	\$800/lot or as per section 70 Planning Act
Multi-family Residential	\$800/lot or as per section 70 Planning Ac
Commercial, Industrial, Agricultural	\$800/lot or as per section 70 Planning Act

Interpretation In this By-law:

"Commercial and Industrial" means a use permitted in an industrial zone under the Municipalities zoning bylaw.

"Dwelling unit" means a single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, limited to only one (1) kitchen.

"Multi-family Residential" means a use containing two or more dwelling units within a building or structure.

"Road maintenance infill lot" means a lot that is developed along an existing Municipal Road or Street.

"Sewer reserve " means a lot that is developed along an existing Municipal Road or Street that does not connect to an approved Municipal sewer system.

"Storm drainage " means a lot that is developed along an existing Municipal Road or Street that has an existing Municipal drainage system but does not include a lot that is draining into a Land Drainage System as determined by the Muncial Engineer.


THAT the Municipality shall maintain a reserve fund for the purposes of the 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.

THAT By-law No. 5/2001 is hereby repealed.

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 8th day of December A.D. 2005.

RURAL MUNICIPALITY OF WEST ST. PAUL



REEVE



CHIEF ADMINISTRATIVE OFFICER

Read a first time this 10th day of November A.D. 2005.

Read a second time this 8th day of December, A.D.2005.

Read a third time this 8th day of December, A.D. 2005.