

THE RURAL MUNICIPALITY OF WEST ST. PAUL

“SECURITY DEPOSIT BY-LAW”

BY-LAW NO. 4/2005

Being a by-law of The Rural Municipality of West St. Paul to set a fee to be paid by persons applying for Building Permits and to repeal By-law No. 15/94.

WHEREAS subsection 232(2) (d) and (e)(vi) of The Municipal Act, S.M. 1996, Cap M225, provides in part as follows:

“232 (2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

(d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;

(e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following;

(vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;

AND WHEREAS the Council of The Rural Municipality of West St. Paul deem it expedient and in the public interest to charge a fee, a portion of which may be refundable, for all building construction applications within the Municipality;

NOW THEREFORE The Council of The Rural Municipality of West St. Paul, in Council duly assembled, enacts as follows:

1.00 **SHORT TITLE:**

1.01 THAT this By-law be referred to as “THE SECURITY DEPOSIT BY-LAW”.

2.00 **DEFINITIONS:**

2.01 THAT unless the context otherwise requires, where used in this By-law:

2.02 “Municipality” means The Rural Municipality of West St. Paul;

2.03 “Person” means any person, firm, corporation or partnership.

3.00 **SECURITY DEPOSIT FEES:**

3.01 THAT a fee of \$200.00 shall be paid by any Person applying for permit for the erection (including construction, placement, or addition) of any accessory building over 200 square feet and up to and including 500 square feet in area;

3.02 THAT a fee of \$500.00 shall be paid by any Person applying for permit for the erection (including construction, placement, or addition) of any accessory building over 500 square feet and up to and including 1,200 square feet in area;

3.03 THAT a fee of \$1,000.00 shall be paid by any Person applying for permit for the erection (including construction, placement, or addition) of any accessory building over 1,200 square feet in area;

3.04 THAT a fee of \$2000.00 shall be paid by any Person applying for permit for the erection (including construction, placement, or addition) of any dwelling or principle building (residential or commercial) over 1,000 square feet in area. (Where there is an addition to a dwelling or principal building or the addition of an attached garage, the fee requirements for and accessory building under Sections 3.01 and 3.02 and 3.03 herein shall apply).

4.00 **BUILDING AND LOT GRADE FEES:**

4.01 THAT the Municipality shall supply building and lot grades to the applicant for the erection of any dwelling or principal building (residential or commercial or farm) at a Cost as outlined within this Section, and as regulated under the provisions of “The Lot Grading By-law” of the Municipality.

THAT a fee of \$400.00 shall be collected to set Centerline and final lot grades. The fee collected will include four visits to the site as follows;

1. Set the Centerline Landscape Grade

- 2. Confirm Center line Landscape Grade
- 3. Set Final Landscape Grades
- 4. Confirm Final Landscape Grades

4.02 THAT a fee of \$100.00 shall be collected for additional grade settings or verification inspection not outlined within Section 4.01 herein.

5.00 **ADMINISTRATION FEES**

5.01 THAT a fee of \$25.00 shall be retained from the Security Deposit collected under Section 3.01 herein;

5.02 THAT a fee of \$50.00 shall be retained from the Security Deposit collected under Section 3.02 herein;

5.03 THAT a fee of \$100.00 shall be retained from the Security Deposit collected under Section 3.03 herein;

5.04 THAT a fee of \$200.00 shall be retained from the Security Deposit collected under Section 3.04 herein.

6.00 **RETURN OF SECURITY DEPOSIT**

6.01 THAT subject to Section 7.01 herein, upon written request the Security Deposit collected under section 3.01, 3.02, 3.03 or 3.04 herein shall be returned to the applicant less the lot grading fees (if applicable) and administrative fees collected under Sections 4.0 and 5.0 herein following satisfactory completion of the following;

- (a) Building construction to be complete including all exterior finishes;
- (b) Building grade (finish grade elevations are in compliance with the provisions of "The Lot Grading By-law" and plan for the area;
- (c) Landscaping to be completed including sod or seeding of the lot;
- (d) Construction of the driveway, including culvert (if applicable) is in accordance with the Municipal regulations;
- (e) Restoration of any Municipal ditch, drain, roadway or property fronting or flanking the building site;
- (f) Cleanup of the highway, (removal of construction debris, mud or any other material deposited thereon;
- (g) Completion of the sewer service connection (if applicable) including the inspection of same;
- (h) Completion of the installation of a sump pump and backup valve, including the connection of all weeping tiles to the sump pit and discharge in accordance with The Lot Grading By-law and Discharge By-law" of the Municipality;
- (i) Submission of the well driller's report to the Municipality;
- (j) Confirmation from the applicable planning board that there are no outstanding building code deficiencies or orders.

7.00 **REDUCTION IN THE REFUND PORTION**

7.01 THAT if any item under Section 6.01 herein is not completed, the Municipality shall be entitled to apply the balance or portion of the Security Deposit collected under Section 3.01, 3.02, 3.03 or 3.04 herein towards the costs of any expenses incurred by the Municipality in carrying out the completion thereof of the outstanding items.

8.00 **REPEAL**

8.01 THAT By-law No. 15/94 of The Rural Municipality of West St. Paul is hereby repealed.

DONE AND PASSED by the Council of The Rural Municipality of West St. Paul in Council duly assembled, this 10th day of November A.D. 2005.

THE RURAL MUNICIPALITY OF WEST ST. PAUL

Reeve

Chief Administrative Officer

READ A FIRST TIME THIS 13th DAY OF October A.D. 2005
READ A SECOND TIME THIS 10th DAY OF November A.D. 2005
READ A THIRD TIME THIS 10th DAY OF November A.D.2005