

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2019-05

Being a by-law of the Rural Municipality of East St. Paul to establish the amount of contributions to Reserve Funds from new development.

WHEREAS Section 143 (1) of The Planning Act S.M. 2018, c.14, s.23. provides as follows:

“A council may, by by-law, set the levies to be paid by applicants to compensate the municipality for the capital costs specified in the by-law that may be incurred by the subdivision of land.”

AND WHEREAS Section 143 (2) of The Planning Act S.M. 2018, c.14, s.23. provides as follows:

“A council must establish a reserve fund under The Municipal Act into which the levies are to be paid”

AND WHEREAS the Council of the Municipality 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 imposition of capital levies on all new lots created by subdivision and development of lands within the Municipality and has established the following reserve funds for those capital levies:

1. Transportation Levy Reserve
2. Capital Levy Reserve
3. Water Capital Levy Reserve
4. Sewer Capital Levy Reserve

NOW THEREFORE the Council of the Rural Municipality of East St. Paul, in meeting duly assembled, enacts as follows:

DEFINITIONS:

“DEVELOPMENT” means

- a. the construction of a building on, over or under land;
- b. a change in the use or intensity of use of a building or land;

“SUBDIVISION” means the division of land by an instrument, including

- a. a plan of subdivision, conveyance, deed, mortgage or grant; or

- b. an agreement granting or extending a use of or right in land, directly or indirectly or by an entitlement to renewal, for a period of 21 years or more; but not including a lease respecting only floor space in a building.

- 1. THAT capital levies be assessed, charged and imposed upon any applicant for subdivision and development approval in accordance with the prescribed scales set as follows:

Transportation Levy:

The Transportation Levy shall contribute to road rebuilding and repair, constructing and/or maintaining active transportation infrastructure, and/or to fund related studies.

- a. The Transportation Levy shall be \$4,500.00 per newly created residential lot.
- b. The Transportation Levy for newly created non-residential shall be \$4,500.00 per residential equivalent unit/lot.
- c. The Transportation Levy for multi-family residential units shall be calculated as per Policy PLA-110, as amended from time to time.
- d. Any subdivision fronting onto an existing road, municipal or provincial, shall also be subject to a frontage fee of \$1,750.00 per newly created lot. An applicant constructing a new road to Municipal Standards shall be exempt from the frontage fee of \$1,750.00.

Capital Levy:

The Capital Levy shall contribute to the anticipated necessary capital development, capital repairs, expansion, replacement and renewal of the capital infrastructure. For example, but not limited to municipal buildings, recreation facilities, and major equipment.

- a. The Capital Levy shall be \$5,000.00 per newly created residential lot.
- b. The Capital Levy for newly created non-residential shall be \$5,000.00 per residential equivalent unit/lot.
- c. The Capital Levy for multi-family residential units shall be calculated as per Policy PLA-110, as amended from time to time.

Water Capital:

Water Capital Levy:

The Water Capital Levy shall contribute to the construction, repair and upgrading of water infrastructure.

- a. The Water Utility Capital Levy shall be \$4,000.00 per newly created residential lot that will be connected to the Rural Municipality of East St. Paul water supply system.
- b. The Water Utility Capital Levy for newly created non-residential shall be \$4,000.00 per residential equivalent unit/lot.
- c. The Water Utility Capital Levy for newly created multi-family residential units shall be calculated as per Policy PLA-110, as amended from time to time.
- d. The Water Utility Capital Levy for existing residential and non-residential that connect to the Rural Municipality of East St. Paul water supply system that are existing and have not already paid the Water Utility Capital Levy shall be \$4,000.00 per lot/unit.

Sewage Capital Levy:

The Sewer Capital Levy shall contribute to the construction, repair, and upgrading of sewer infrastructure.

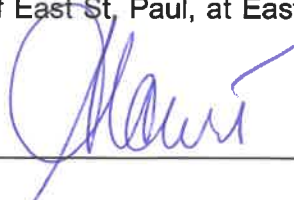
- a. The Sewer Utility Capital Levy shall be \$6,000.00 per newly created residential lot that will be connected to the Rural Municipality of East St. Paul sewer system.
 - b. The Sewer Utility Capital Levy for newly created non-residential unit/lot shall be \$6,000.00 per residential equivalent unit/lot.
 - c. The Sewer Utility Capital Levy for newly created multi-family residential units shall be calculated as per Policy PLA-110, as amended from time to time.
 - d. The Sewer Utility Capital Levy for existing residential and non-residential that connect to the Rural Municipality of East St. Paul sewer system that are existing and have not already paid the Sewer Utility Capital Levy shall be \$6,000.00 per lot/unit.
2. All such levies 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 levies;
 - b. Until such capital levies has been paid or arrangements satisfactory to the Municipality for the payment of the capital levies have been made, including, if required, the posting of security to ensure payment of the capital levies in accordance with such arrangement.

REPEAL

With the passing of this By-law, Policy PLA 109 is hereby made redundant and By-law No. 2017-08 is hereby repealed.

ENACTMENT

DONE AND PASSED as a by-law of the Rural Municipality of East St. Paul, at East St. Paul, in Manitoba, this **16th** day of **July, 2019**.



Mayor



Chief Administrative Officer

Read a first time this **25th** day of **June** , 2019 A.D.

Read a second time this **16th** day of **July**, 2019 A.D.

Read a third time this **16th** day of **July**, 2019 A.D.