



## THE RURAL MUNICIPALITY OF ST. CLEMENTS

### BY-LAW NO. 8-2023

#### BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ST. CLEMENTS

to provide capital reserve funds from new developments and fees of utility infrastructure buy-in charges and other fees required as part of a land development.

#### "Development Fees"

WHEREAS Subsection 232(1) of the *Municipal Act*, S.M. 1996, c.58 – Cap. M225 provides that:

A Council may by by-law pass regulations respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (l) public utilities.

AND WHEREAS Subsection 232 (2) of the *Municipal Act* states:

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.

AND WHEREAS Section 142(2) of the *Planning Act* states:

Fees and charges may relate to technical, administrative, professional, consultative or other services required by the municipality or planning district to examine and approve a subdivision application.

AND WHEREAS Section 143(1) of the *Planning Act* states:

A Council may, by by-law, set the levies to be paid by applicants to compensate the municipality for 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* states:

A Council must establish a reserve fund under the *Municipal Act* into which the levies are to be paid.

AND WHEREAS Section 150 of the *Planning Act* states:

As a condition of amending a zoning by-law, making a variance order or approving a conditional use, a board, council or planning commission may, unless this Act provides otherwise, require the

owner of the affected property to enter into a development agreement with the planning district or municipality in respect of the affected property and any contiguous land owned or leased by the owner dealing with one or more of the following matters:

- (f) the construction or maintenance – at the owner’s expense – of works, including but not limited to, sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic controls, access and connections to existing services;
- (h) the dedication of land or payment of money in lieu thereof, where the application is for an amendment to a zoning by-law permit a residential use, use for a mobile home park or an increase in residential density, in which case item 6 of section 135 applies to the dedication.

AND WHEREAS the Council of the Rural Municipality of St. Clements deems it prudent and in the best interest of the Municipality to ensure that sufficient capital contributions are obtained from new developments to contribute to the anticipated development, repair, expansion, replacement, and renewal of the capital infrastructure of the Municipality.

AND WHEREAS the Council of the Rural Municipality of St. Clements desires to enact a by-law prescribing the scale of capital levies on all new lots created by subdivision of lands within the Municipality and has established the following reserve funds for those capital levies and to prescribe utility buy-in fees.

NOW THEREFORE the Council of the Rural Municipality of St. Clements enacts as follows:

1. An applicant for approval of subdivision shall pay for administrative services performed by the Municipality, such fees, deposits, and charges as may be appropriate to the examination, consideration, and approval of the subdivision in accordance with the Schedule of Fees, Deposits and Charges more particularly set out as Schedule “A” to this by-law.
2. That the fees, deposits, and charges as set out in Schedule “A” to this by-law may be amended from time to time by resolution of Council.
3. All such fees, deposits and charges shall be paid before any subdivision or land development may commence construction.
  - (a) Until such capital development levies have been paid or arrangements satisfactory to the Municipality for the payment of the capital development levies have been made, including, if required, the posting of security to ensure payment of the capital development levies in accordance with such agreement.
  - (b) On any development over 10 lots consideration will be made to accept the fees in Phases as outlined in the development agreement.
4. The Municipality to enter into a development agreement by a resolution of Council.
5. All owners of newly developed property must opt-in to the garbage and recycling program, in accordance with the Curbside Collection By-Law 3-2023 or any superceding by-law.
6. The Municipality shall maintain reserve funds 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 that purposes only, including expenditures for developing, repairing, expanding, replacing or

renewing the infrastructure of the Municipality and shall be dealt with and expended only in accordance with the requirements of Section 168(2) of the *Municipal Act*.

7. All utility infrastructure charges will be deposited into the "Water and Sewer Utility Expansion Reserve".
8. Connectivity to water and wastewater infrastructure is mandatory on construction of a new dwelling that is within the service area.
9. Council will reevaluate this by-law every 4 years.
10. That By-law No. 14-2009, 10-2012, and 19-2016 and any amendments hereto are repealed.
11. This by-law shall come into force and take effect after 3<sup>rd</sup> Reading of the by-law and shall apply to all conditional approval letters with a date after September 12, 2023, issued by the Red River Planning District.

DONE AND PASSED as a By-law of the Rural Municipality of St. Clements in the Province of Manitoba  
this 26<sup>th</sup> day of September A.D., 2023

  
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Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

Read a first time this 22<sup>nd</sup> day of August A.D., 2023

Read a second time this 12<sup>th</sup> day of September A.D., 2023

Read a third time this 26<sup>th</sup> day of September A.D., 2023

SCHEDULE "A" TO  
BY-LAW NO. 8-2023 OF THE RURAL MUNICIPALITY OF ST. CLEMENTS

**Capital Development Fees**

Fees, deposits, and charges for application for subdivision approval as outlined in the Capital Development Fees section shall be paid before a certificate of approval is issued.

The following fees imposed shall be paid only in respect to the number of lots created in addition to the number of lots that existed before the approval of subdivision.

Capital Improvement Reserve Fund	\$2,000.00
Road Reserve Fund	\$1,000.00
Fire Reserve	\$1,000.00
Recreation & Culture Reserve Fund	\$ 500.00
Environment Reserve Fund	<u>\$ 500.00</u>
	\$5,000.00

**Utility Infrastructure Buy-in Charges**

Water and Sewer Infrastructure charges are based on the total Residential Equivalency Units (REU) that are available at the time of approval, the developer of a subdivision or any person building a new building on a property will be responsible to pay the curb-stop installation and required to pay the fees for infrastructure charges on each unit connected to the services, where available.

Infrastructure Charges	Single-Family Dwelling	Multi-Family Dwellings
Water Infrastructure Charges	\$5,300.00	\$2,650.00
Sewer Infrastructure Charges	\$7,700.00	\$3,850.00
Fully Serviced Infrastructure Charges	\$13,000.00	\$6,500.00

**Note:** *"Multiple Family Dwelling"* means a building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

Water Infrastructure Charges for single-family dwelling and multi-family dwellings will have an increase applied of 3% per year starting in the year of 2025.

Sewer Infrastructure Charges for single-family dwelling and multi-family dwellings will have an increase applied of 3% per year starting in the year of 2024.

## **Road Levy**

A road levy shall be charged for each additional lot created in excess of 1 lot for those subdivisions that are fronting along an existing Municipal Road. The fee for a gravel road would be \$3,000.00 per lot and \$5,000.00 per lot for a paved road. The road levy will be collected for future road remediation on municipal roads, either specific to that road or to those that could be impacted by the subdivision.

## **Administration Fee**

An administration fee for subdivision developments, conditional uses or zoning by-law amendments that require a development agreement will be \$500.00. The fee shall cover all internal administrative services required by the Municipality in examining the application. The administration fee is in addition to any other fees or deposits required within the body of the development agreement.

## **Sale/Transfer of Land**

An administration fee for the sale or transfer of land is hereby set at \$300.00. This fee shall cover the internal administrative services of the Municipality for the transaction and shall be in addition to any technical, professional, consultative, or other service that may be required. The administration fee shall be paid upon submission of a written request to purchase the land.

## **Development Agreements**

1. An irrevocable letter of credit in the amount of 100% of the construction costs, will be calculated by the municipal engineer or by the engineer of the party entering into the development agreement and will be a requirement in all development agreements. The letter of credit will be based on drainage, recreation, roads, water, and wastewater construction.

A letter of credit can be decreased by resolution of Council based on the amount of the development that is completed, after at least 50% completion.

A holdback will be required in the amount of 10% throughout the warranty period. After the warranty has expired, the municipal engineer will assess the development for any deficiencies the developer may have to deal with or issue a completion certificate.

## **Municipal Fees Legal, Engineering and Administrative Charges**

1. The Developer must pay a deposit amount for charges that the Municipality may incur throughout the development process in the amount of \$5,000, if the charges are in a lesser amount the difference will be refunded or if the charges are more the Developer will be billed for the difference.
2. As invoices are received by the Municipality for a particular development, they will be charged against the deposit amount. The Municipality has the right to ask for a further deposit of \$5,000 if the first deposit has been expended.

## **Land for Public Reserve purposes or Cash in Lieu fee**

1. Every development where the land being divided into parcels of less than 4 hectares will be required to provide 10% of the land area or cash in lieu fee, at the choice of Council. If the cash in lieu option is required, the value of the cash in lieu will be based on an assessed value. This will be added as a condition of approval on each subdivision less than 4 hectares.

**Ditching and Drainage Swales**

1. If only an engineer drainage plan is required, the land developer must provide an engineered drainage plan and provide security in the amount of \$15.00 per meter. Once the ditching or swales are completed correctly and approved by the municipality the security will be returned.