

**RURAL MUNICIPALITY OF ST. ANDREWS**  
**BY-LAW NO. 4360**

**BEING** a By-Law of the Rural Municipality of St. Andrews (the “Municipality”) to provide for the imposition of a capital levy on all new lots created by subdivision of lands and all new units created within the Municipality and for the purpose to establish the amount of contribution to Reserve Funds from new development.

**WHEREAS** Section 143(1) of *The Planning Act* of the Province of Manitoba (the “Act”) 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** the Council of the 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:

1. *drainage system;*
2. *water and sewage treatment and distribution system;*
3. *fire and protection services buildings and major equipment;*
4. *roads and road systems;*
5. *public works, buildings and major equipment;*
6. *parks, recreational facilities and walkways;*
7. *nuisance grounds, environmental collection and refuse collection areas and equipment;*
8. *other capital works, structures and equipment.*

**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 anticipate necessary capital development, capital repairs, expansion, replacement and renewal of the capital infrastructure of the Municipality.

**AND WHEREAS** the Council of the Municipality wishes to continue a reserve fund into which capital levies collected pursuant to this by-law shall be transferred.

1. Development Fund Reserve
2. Road Improvement Reserve

**AND WHEREAS** it is also expedient and in the best interest of the Municipality to prescribe a City of Winnipeg Service Sharing Up-front Charge on new lots created by subdivision and

all new units to be collected by the Municipality and submitted annually to the City of Winnipeg as outlined in the Service Sharing Agreement.

**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 143(1) 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 and all new units created within the Municipality and establishing a reserve fund for those capital levies.

**NOW THEREFORE BE IT ENACTED** as a by-law of the Rural Municipality of St. Andrews as follows:

1. That a capital levy be assessed, charged and imposed upon any applicant for subdivision approval in accordance with the prescribed scales set out in Schedule "A" hereto.
2. 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.
  - (c) Waiver of the municipal reserve portion of said capital levy may be considered by the Municipality if the applicant is a religious organization, non-profit organization or a community centre and all lots created by the proposed subdivision or any units in any new building will be used for religious or community centre purposes.
3. The Municipality has created a reserve fund for the purposes of 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 and shall be dealt with and expended only in accordance with the requirements of Section 168(2) of *The Municipal Act*.
4. That By-Law No. 4309 is hereby repealed.

**DONE AND PASSED** by the Council of The Rural Municipality of St. Andrews, in Council duly assembled in Clandeboye, Manitoba this 13<sup>th</sup> day of July, A.D., 2021.

THE RURAL MUNICIPALITY OF ST. ANDREWS

  
\_\_\_\_\_  
Mayor

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

RECEIVED First Reading on this 22<sup>nd</sup> day of June A.D., 2021.

RECEIVED Second Reading on this 13<sup>th</sup> day of July, A.D., 2021.

RECEIVED Third Reading on this 13<sup>th</sup> day of July, A.D., 2021.

## SCHEDULE "A" TO BY-LAW NO. 4360

### CAPITAL DEVELOPMENT LEVIES

Capital Development Levies shall be paid as outlined within the Development Agreement or as per the conditions of approval in accordance with Tables 1 and 2.

**TABLE 1: CAPITAL DEVELOPMENT LEVIES FOR NON-SERVICED LOTS**

NON-SERVICED LOTS	ZONING/USE	Levy per new lot and unit in any new building
<b>Residential</b>	<b>Single Family Dwelling Lots</b>	\$4,500.00
	<i>Development Fund Reserve</i>	\$3500
	<i>Road Improvement Reserve</i>	\$1000
	<b>Multi-family (per dwelling unit)*</b>	\$3,000.00
	<i>Development Fund Reserve</i>	\$2000
	<i>Road Improvement Reserve</i>	\$1000
<b>Commercial/Industrial</b>	<b>Commercial/Industrial Lots</b>	\$4,500.00
	<i>Development Fund Reserve</i>	\$3500
	<i>Road Improvement Reserve</i>	\$1000
	<b>Commercial/Industrial Units</b>	\$3,000.00
	<i>Development Fund Reserve</i>	\$2000
	<i>Road Improvement Reserve</i>	\$1000
<b>Agricultural</b>	<b>Agricultural Lots and Units</b>	\$3,000.00
	<i>Development Fund Reserve</i>	\$2000
	<i>Road Improvement Reserve</i>	\$1000

**TABLE 2: CAPITAL DEVELOPMENT LEVIES FOR SERVICED LOTS AND UNITS**

<b>SERVICED LOTS</b>	<b>ZONING/USE</b>	<b>Levy per new lot and unit in any new building</b>
<b>Residential</b>	<b>Single Family Dwelling Lots</b>	<b>\$7,940.00**</b>
	<i>Development Fund Reserve</i>	<i>\$3500</i>
	<i>Road Improvement Reserve</i>	<i>\$1000</i>
	<i>City of Winnipeg Up-front charge (2021)</i>	<i>\$3440**</i>
	<b>Multi-family (per dwelling unit)*</b>	<b>\$6,440.00**</b>
	<i>Development Fund Reserve</i>	<i>\$2000</i>
	<i>Road Improvement Reserve</i>	<i>\$1000</i>
	<i>City of Winnipeg Up-front charge (2021)</i>	<i>\$3440**</i>
<b>Commercial/Industrial</b>	<b>Commercial/Industrial Lots</b>	<b>\$7,940.00**</b>
	<i>Development Fund Reserve</i>	<i>\$3500</i>
	<i>Road Improvement Reserve</i>	<i>\$1000</i>
	<i>City of Winnipeg Up-front charge (2021)</i>	<i>\$3440**</i>
	<b>Commercial/Industrial Units</b>	<b>\$6,440.00**</b>
	<i>Development Fund Reserve</i>	<i>\$2000</i>
	<i>Road Improvement Reserve</i>	<i>\$1000</i>
	<i>City of Winnipeg Up-front charge (2021)</i>	<i>\$3440**</i>
<b>Agricultural</b>	<b>Agricultural Lots and Units</b>	<b>\$6,440.00**</b>
	<i>Development Fund Reserve</i>	<i>\$2000</i>
	<i>Road Improvement Reserve</i>	<i>\$1000</i>
	<i>City of Winnipeg Up-front charge (2021)</i>	<i>\$3440**</i>

\* Building containing two (2) or more dwelling units, each unit designed for and used by one (1) family.

\*\* Charge subject to annual increase as determined by the City of Winnipeg Service Sharing Agreement or City of Winnipeg Fees and Charges Schedule, as amended.