



# STE. ANNE MUNICIPALITY

## BY-LAW #2024-06

BEING a By-law for the imposition of a Capital Lot Levy on all new lots created by subdivision of lands for the purpose of reserving funds to allow for capital expenses that are the result of development within the Rural Municipality of Ste. Anne.

**WHEREAS** Sections 142(1) and (2) and Sections 143(1) and (2) of the *Planning Act* of the Province of Manitoba provide as follows:

142(1) A board or council may, by by-law, set the fees and charges to be paid by applicants.

142(2) 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.

143(1) 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.

143(2) A council must establish a reserve fund under *The Municipal Act* into which the levies are to be paid.

**AND WHEREAS** it is deemed expedient and in the public interest to regulate such capital levies, fees and charges in order that the Developer is responsible for said capital levies, fees and charges;

**AND WHEREAS** Council of the Rural Municipality of Ste. Anne (Municipality) has reviewed the existing capital infrastructure of the Municipality and the anticipated future demands within the Municipality which may be placed on the infrastructure, and on the Municipality in general, including those set out in Schedule "A";

**AND WHEREAS** Council of the Municipality has established by By-Law various reserves for the purpose of funding future capital expenditures for municipal infrastructure and service requirements;

**AND WHEREAS** Council of the Municipality desires to enact a by-law prescribing the scale of levies to be paid by a Developer for all new lots created by subdivision of lands, as compensation to the Municipality for capital costs to be incurred within the Municipality pursuant to Section 143(1) of *The Planning Act* and establishing allocations into reserve funds for those capital levies;

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

1. **That** this By-law shall be known as the Municipal Capital Lot Levy By-law.
2. **That** the following definitions shall apply:
  - a. **Dedication Fees** are fees collected as per Municipal Policy #03-ADMIN in lieu of the dedication of lands for public reserve purposes.
  - b. **Developer** shall mean the person(s) and/or organization(s) responsible for the application to subdivide lands in the Municipality. This may be the person making



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the subdivision application, the property owner(s), a 3<sup>rd</sup> party appointed on their behalf, or any combination thereof, among others.

- c. **Parcel of Land** means the aggregate of all land described in any manner in a certificate of title.
  - d. **Lot** shall mean any Parcel of Land, or portion thereof, which is capable of having its own Certificate of Title. Each Lot is typically identified on a Plan of Survey or a Plan of Subdivision as a "Parcel" or "Lot" created by a subdivision application.
3. **That** the purpose of this by-law is:
- a. to provide for the imposition of capital levies as on all new lots created by subdivision of lands;
  - b. to provide for the imposition and recovery of costs for future municipal improvement costs;
  - c. to provide for fees and charges for professional and like services required in consideration of subdivision applications;
  - d. to provide for the allocation into reserve funds for such levies set out above;
  - e. to provide for the collection of administrative charges in relation to the imposition of capital levies required in consideration of subdivision applications.
4. **THAT** this By-law shall effect all lands within the Municipality.
5. **THAT** where additional studies, professional opinions, technical studies, public hearings, studies are required prior to a subdivision receiving consideration and/or approval from Council, the Developer shall agree that the actual cost of any and all services required will be borne by the Developer of the lands.
6. **THAT** where Council approves the subdivision subject to a Development Agreement, the Developer is responsible to pay all technical, professional, consultative, or other services required by the Municipality to prepare and register the Development Agreement on all lands affected by the Development Agreement.
7. **THAT** all costs incurred shall be an amount owing to the Municipality by the owner of the property and may be collected by the Municipality in the same manner as a tax against the land.
8. **THAT** the Municipality has created various reserve funds for specific purposes, including capital items. Capital Levies paid to the Municipality pursuant to this By-law 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*. Internal Reserve Fund Sub-Accounts are to be created to track funds received pursuant to this By-law to ensure these amounts are only used for capital purposes.
9. **THAT** a Capital Levy be assessed, charged, and imposed upon any Developer from all new lots within the Municipality granted subdivision approval in accordance with the prescribed fees set forth in Schedule "A" to this By-law.



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10. **THAT** all Capital Levies collected pursuant to this By-law shall be transferred to the related Municipal replacement reserves in an apportionment as outlined in Schedule "A" to this By-law.
11. **THAT** the Municipality may in their absolute discretion in the development agreements allow for a decrease in capital lot levies where the subdivision will not immediately require services or where the lot sizes are considered by Council, such that capital lot levies should be altered.
12. **THAT** Dedication Fees shall be paid as a condition of subdivision approvals, and said matter shall not be approved:
  - a. Except subject to a condition requiring the payment of the applicable capital levies, fees, and charges;
  - b. Until such capital levies, fees, and charges have been paid or arrangements satisfactory to the Municipality for the payment of the capital levies, fees, and charges have been made, including, if required, the posting of security to ensure payment of the capital levies, fees, and charges in accordance with such arrangement.
13. **THAT** this By-Law shall come into force and take effect upon third reading and passing of this by-law, to be applied on all applicable subdivision applications received by the Municipality after this date.
14. **THAT** should any provision of this By-Law be declared to be invalid by a court of competent jurisdiction, it is the intent of Council of the Rural Municipality of Ste. Anne that it would have passed all other provisions of this By-Law independent of the elimination of any such portion as may be declared invalid.

DONE AND PASSED by the Council of the Rural Municipality of Ste. Anne, in Council duly assembled in the Rural Municipality of Ste. Anne, in Manitoba, this 27<sup>th</sup> day of March, 2024.



Reeve  
Richard Pelletier



Chief Administrative Officer  
Mike McLennan

Read a first time this 13<sup>th</sup> day of March, 2024, by Resolution #2024-103.  
Read a second time this 27<sup>th</sup> day of March, 2024, by Resolution #2024-115.  
Read a third time this 27<sup>th</sup> day of March, 2024, by Resolution #2024-116.



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## SCHEDULE "A" TO BY-LAW #2024-06

### Capital Lot Levy and Reserve Fund Allocation

As a condition of approval of subdivision, the applicant shall pay:

**Capital Lot Levy:** being an amount per newly created Lot as prescribed in the Municipal Fees and Charges By-law, which is subject to change from time to time.

The RM of Ste. Anne will distribute funds received from Capital Lot Levies as follows:

<b>Reserve Funds</b>	<b>Capital Lot Levy Allocation Breakdown</b>
Public Works Equipment (Rural Only)	40% (for Subdivisions Outside the LUD Only)
Local Urban District of Richer (LUD Only)	40% (for Subdivisions Inside the LUD Only)
Fire Equipment	25%
Waste Management	10%
Recreation & Culture	5%
Disaster Management	5%
Economic Development	10%
Green Initiatives	5%



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## SCHEDULE "B" TO BY-LAW #2024-06

### Other Subdivision Fees (Non-Capital)

As a condition of approval of subdivision, the applicant shall pay the following Fees, with the amounts as outlined in the Municipal Fees and Charges By-law:

- Subdivision Application Fee
  - Payable upon receipt of any and all subdivision applications;
  - Must be paid prior to the application being presented to Council for consideration;
- Subdivision Administration Fee:
  - Categorized based on the anticipated level of Administration required for each application:
    - Level 1 for minor subdivisions, boundary realignments, and 1-4 lot/parcel/door subdivisions requiring no engineering or legal services;
    - Level 2 for 1-4 lot/parcel/door subdivisions requiring engineering or legal services;
    - Level 3 for 5 or more lot/parcel/door subdivisions, or subdivisions requiring the construction of Municipal Services such as roads and drains;



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## SCHEDULE "C" TO BY-LAW #2024-06

### Policy #03-ADMIN

**Subject:** Policy for the Provision of Land, Cash, or a Combination thereof, to the RM from Subdivided Lands

**Revised on:** May 10, 2023 Resolution #2023-239

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**Purpose:** To establish criteria for the provision and calculation of land, cash, or a combination thereof, to the Municipality authorized under *The Planning Act*, as follows:

#### ***Conditions of approval***

***135*** A subdivision of land may be approved subject to one or more of the following conditions, which must be relevant to the subdivision:

6. A condition that the applicant dedicate the following land, without compensation:

(b) land for public reserve purposes, not exceeding 10% of the land being subdivided, but only if the land is being divided into parcels of less than 4 hectares;

#### ***Money in place of public reserve or school lands***

***136(1)*** The council may require the owner of land that is the subject of a proposed subdivision to provide money to the municipality or a school board or school district in place of dedicating land for public reserve purposes or for school purposes under section 135, item 6(b) or (c). The amount paid must be equivalent to the value of the land that would have been dedicated.

#### ***Council must specify payment as a condition***

***136(2)*** If money is required to be paid in place of dedicating lands, the council must specify that such a payment is required in a resolution under section 125.

#### ***Uses of public reserve land***

***138(1)*** Public reserve land may be used only for

- (a) a public park;
- (b) a public recreation area;
- (c) a natural area;
- (d) a planted buffer strip separating incompatible land uses; or
- (e) public works.

#### **Policy:**

1. This policy shall apply only to subdivisions where lot(s) are created that are less than 4 hectares (9.88 acres).
2. In cases where the Municipality deems it necessary to obtain either land or cash-in-lieu specifically, the Municipal requirement shall be stated in the conditionally approving Resolution for the development.
3. The percentage of land or cash provided shall be calculated on the total portion of vacant land which is being developed within the planned area,



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including all lands being developed into public roads, pathways, individual lots, and other such cases, but shall not include any larger residual parcel which could be subject to further development in the future.

4. The calculation of any cash provision shall be as follows:

Total Current Un-Portioned Assessment of  
Proposed Development Area at Pre-Development Value

X

10%

5. In cases where the provision will be a combination of land & cash, the percentage of land provided shall be calculated as a percentage and the cash shall be the remaining percentage, as outlined in Item 3, to total 10% between the two.
6. Moneys collected under the authority of this Policy shall be used only for purposes attributed to Public Reserve Lands under Section 138(1) of the *Planning Act*. To ensure appropriate use of these funds, **all cash amounts collected under this policy shall be placed in the Municipal Recreation Reserve Fund.**