

**TOWN OF BEAUSEJOUR
BY-LAW 1644/10**

**Being a By-Law of the Town of Beausejour (The
"Municipality") to prescribe levies to be paid as compensation
for Capital Costs incurred on all new lots created by
subdivisions of lands within the Town of Beausejour.**

WHEREAS Section 143(1) of the Planning Act, ("The Act") R.S.M. 2005, c 30, provides as follows:

"143(1) The council of a municipality may pass a by-law prescribing the scale of levies to be paid by an applicant for subdivision approval as compensation to the municipality for the capital costs specified in the by-law and that may be incurred by the municipality wholly or in part by reason of such subdivision of land and no such levy shall be charged or paid except pursuant to such by-law.";

AND WHEREAS the Council of the Town of Beausejour 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:

- a) sewage lagoon;
- b) sewage collection system;
- c) water treatment and distribution system;
- d) ambulance, police, and fire buildings and major equipment;
- e) roads and road systems;
- f) public works, buildings, and major equipment;
- g) parks, recreational facilities, pools, arenas, and walkways;
- h) nuisance grounds and refuse collection areas and equipment;
- i) civic assembly hall and administration offices; and
- j) other capital works, structures, and equipment;

AND WHEREAS purchasers of new lots shall be entitled to receive the benefit of all such existing and future capital infrastructure;

AND WHEREAS the Council of the Town of Beausejour 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 Town of Beausejour 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 Town of Beausejour desires to enact a By-Law prescribing the imposition of capital levies on subdivision of lands which will create one or more additional lots within the Municipality and establishing reserve funds for those capital levies;

NOW THEREFORE it is hereby enacted by the Council of the Town of Beausejour, duly assembled, as follows:

1. **THAT** the following capital levies be assessed, charged, and imposed upon any Applicant for subdivision approval which will create one or more additional lots in accordance with the following prescribed scale:

BY-LAW #1644/10

- a) ONE THOUSAND DOLLARS (\$1,000.00) as a capital levy on each new lot created by subdivision in the Municipality for miscellaneous capital items;
 - b) ONE THOUSAND DOLLARS (\$1,000.00) as a capital levy on each new lot created by subdivision in the Municipality for future lagoon and sanitary sewer expansion or upgrade; and
 - c) ONE THOUSAND DOLLARS (\$1,000.00) as a capital levy on each new lot created by subdivision in an area in the Municipality for future water utility system expansion or upgrade.
2. **THAT** 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 levies;
 - b) until such capital levies have 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;
3. **THAT**, pursuant to Section 168(1) of The Municipal Act, the Municipality shall create the following reserve funds for the purposes of the capital levies paid to the Municipality pursuant to this By-Law:
- a) A reserve fund for miscellaneous capital items;
 - b) A reserve fund for future lagoon expansion or upgrade;
 - c) A reserve fund for future expansion or upgrade of the Water Utility System;
- and funds paid into these reserve funds shall be used for capital purposes only, including capital expenditures for developing, repairing, expanding, replacing, or renewing the capital infrastructure of the Municipality;
4. **THAT** this By-Law shall come into effect on the day it is passed by the Council of the Town of Beausejour.

DONE AND PASSED by the Council of the Town of Beausejour, assembled at the Municipal Council Chambers, at Beausejour, Manitoba this 13 day of April, A.D., 2010.

THE TOWN OF BEAUSEJOUR

Donald Mazur
DON MAZUR, MAYOR

J.D.
JACK DOUGLAS, CAO

GIVEN First Reading this 30 day of March, A.D., 2010
GIVEN Second Reading this 13 day of April, A.D., 2010
GIVEN Third Reading this 13 day of April, A.D., 2010.

**The Town of Beausejour
Administrative Report**

Council Date: March 30th, 2010

Topic: **Capital Dedication Fees for Land Development**

Recommendation:

THAT the Council of the Town of Beausejour give By-Law #1644/10, being a by-law of the Town of Beausejour to prescribe levies to be paid as compensation for Capital Costs incurred on new lots created by subdivisions of lands within the Town of Beausejour, first reading.

Administrative Background:

The Town of Beausejour currently does not have any capital dedication levy that is collected when properties are subdivided within the Town.

The creation of new building sites traditionally has accelerated the need to expand current infrastructure in order to provide adequate services.

Without a capital dedication levy the financial responsibility to expand these services will fall squarely on the shoulders of existing ratepayers.

We have attempted to clarify these issues within the by-law as follows:

“**AND WHEREAS** the Council of the Town of Beausejour 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:

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- b) sewage collection system;
- c) water treatment and distribution system;
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Jack Douglas
CAO
