

**TOWN OF BEAUSEJOUR
BY-LAW 1793-23**

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 142 and 143 of The Planning Act, R.S.M. 2005, CP 80 provides 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 may establish a reserve fund under The Municipal Act into which the levies are to be paid.

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;

AND WHEREAS Section 135 of The Planning Act provides that the applicant dedicate without compensation land for public reserve purpose not exceeding 10% of the land being subdivided but only if the land is being divided into parcels of less than 4 hectares, and if the Municipality so desires, it may require the applicant to pay a cash equivalent to the value of the land that would have been dedicated.

AND FURTHERMORE pursuant to section 142(2) of the Planning Act, R.S.M. 2005, CP80, the Municipality is desirous of charging in respect of technical, administrative, professional, consultative or other services required by the Municipality in examining and approving an application for the subdivision of land and such fees and charges shall be credited to and form part of the general funds of the Municipality.

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

1. a) That the applicant who has received an approval for a subdivision shall pay a capital levy on each new lot for miscellaneous capital items, a capital levy for future lagoon and sanitary sewer expansion or upgrade and a capital levy for future water utility system expansion or upgrade.

b) If the original lot which is being subdivided had a building which was shown on the assessment roll the year before the subdivision application was filed and such building was occupied, then the number of lots which are required to pay such capital levies as shown on the plan of subdivision shall be reduced by one, and such levy shall be charged on each lot created pursuant to the plan of subdivision whether it is residential, commercial or industrial.
2. That the levies be imposed upon an applicant for a subdivision are as follows:
(Note: the following fees are to be combined from each table)

Capital Levy for Miscellaneous Capital Items

Class of Development	Fees
Residential	\$1,000.00/lot
Multi-Family Residential	\$1,000.00/dwelling unit
Commercial, Industrial, Agricultural	\$1,000.00/lot

Capital Levy for Future Lagoon Expansion or Upgrade of the Sanitary Sewer System and Lagoon

Class of Development	Fees
Residential	\$2,000.00/lot
Multi-Family Residential	\$2,000.00/dwelling unit
Commercial, Industrial, Agricultural	\$2,000.00/lot

Capital Levy for Future Expansion or Upgrade of the Water Utility System

Class of Development	Fees
Residential	\$2,000.00/lot
Multi-Family Residential	\$2,000.00/dwelling unit
Commercial, Industrial, Agricultural	\$2,000.00/lot

3. **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;

4. **THAT** the Municipality shall maintain reserve funds for the capital levies paid to the Municipality pursuant to this By-law.
 - a) A reserve fund for miscellaneous capital items which reserve is known as the Dedication fee Reserve.
 - b) A reserve fund for future lagoon expansion or upgrade of the Sanitary Sewer System and Lagoon which reserve is known as the Utility Reserve.
 - c) A reserve fund for future expansion or upgrade of the Water Utility System which reserve is known as the Utility Reserve.

5. **THAT** applicants for subdivision must pay a fee of \$500.00 toward the Town's administrative services. For applicants for subdivision respecting multi-family residential development, the fee shall be \$250.00 per dwelling unit.
6. **THAT** By-Law No. 1644/10 is hereby repealed. The fees, charges and levies imposed under By-law No. 1644/10 remain in effect and apply to applicants who have been issued a conditional approval before this By-law comes into effect. The fees, charges and levies imposed under this By-law apply to applicants who are issued a conditional approval after this By-law comes into effect.
7. **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 14th day of February, A.D., 2023.

The Town of Beausejour



Mayor



Chief Administrative Officer

Given First Reading this 24th day of January, A.D., 2023
Given Second Reading this 14th day of February, A.D., 2023
Given Third Reading this 14th day of February, A.D., 2023