

RURAL MUNICIPALITY OF STANLEY

BY-LAW NO. 17-13

BEING a By-Law of the R.M. of Stanley to provide for the imposition of a Capital Levy on all new lots created by subdivision of lands within the Municipality and for the purpose of establishing a reserve fund for such levies.

WHEREAS Section 143(1) of The Planning Act of the Province of Manitoba provides as follows:

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.

AND WHEREAS the Council of the Rural Municipality of Stanley 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) police and fire protection
- e) roads and road systems
- f) public works, buildings and major equipment
- g) parks, recreational facilities, and walkways
- h) civic assembly hall and administration offices; and
- i) other capital works, structures and equipment
- j) drainage system.

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

AND WHEREAS the Council of the Rural Municipality of Stanley 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 Rural Municipality of Stanley desires to enact a by-law prescribing the imposition of capital levies on all new lots created by subdivision of lands within the Municipality and establishing a Reserve Fund for those capital levies.

AND WHEREAS the Council of the Rural Municipality of Stanley 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.


NOW THEREFORE the Council of the Rural Municipality of Stanley in Council duly assembled, hereby enacts as follows:

1. THAT a capital levy be assessed, charged and imposed upon any applicant for subdivision approval in accordance with the following prescribed scale:
 - a) That a capital lot levy of TWO THOUSAND AND FIVE HUNDRED DOLLARS(\$2,500) per lot be charged on any and all new residential lots created in any Rural Residential Area and in any Residential General or General Development Areas.
 - b) That a capital lot levy of ONE THOUSAND TWO HUNDRED DOLLARS(\$1,200) per lot be charged on any and all new residential lots/parcels of land smaller than 40 acres in size that are created thru subdivision in any other areas of the Municipality.

- c) That a capital lot levy of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) per lot be charged on any and all new lots/properties created for commercial/industrial/institutional purposes up to and including one acre in size, lots over one acre are to be charged an additional FIVE HUNDRED DOLLARS (\$500) for each and every acre thereafter.
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 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;
3. THAT the Municipality shall maintain a Reserve Fund for the purposes of the 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 a proportionate amount of funds generated may be used for 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.
5. THAT By-Law No. 2-08 be hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Stanley at Morden, in the Province of Manitoba this 8th day of August, A.D. 2013.

RURAL MUNICIPALITY OF STANLEY



Reeve



Chief Administrative Officer

Read a first time this 25th day of July, A.D. 2013.
Read a second time this 8th day of August, A.D. 2013.
Read a third time this 8th day of August, A.D. 2013.