

RURAL MUNICIPALITY OF ROSSER

BY-LAW NO. 2 – 04

Being a By-Law of the Rural Municipality of Rosser to provide for the imposition of a capital levy on all new lots created by subdivision of lands within the Municipality and to repeal By-Law No. 6-01.

WHEREAS, Section 74(2) of The Planning Act, L.R.M. 1987, c.P80-provides, in part, as follows:

74(2) 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 subdivisions of land and no such levies shall be charged or paid except pursuant to such by-law.

AND WHEREAS, the Council of the Rural Municipality of Rosser has reviewed the existing and the anticipated future capital infrastructure needs of the Municipality including:

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

AND WHEREAS, the development of new lots may create or accelerate the need for capital infrastructure improvements as outlined above;

AND WHEREAS, Council 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.

NOW THEREFORE BE IT ENACTED as a By-Law of the Rural Municipality of Rosser as follows:

1. That a capital levy be assessed, charged and imposed upon any applicant for subdivision approval in accordance with the following:
 - a) Residential Lots shall be \$1,000.00 for each new parcel created, or
 - b) Commercial and Industrial Lots shall be \$1,500.00 per acre, and
 - c) Regardless of number of lots created, the Capital Levy Charge shall be based on the total gross acreage of the subdivision (includes all proposed lots, road allowances, right-of-ways, public reserves and residual parcel). The Council of the Rural Municipality of Rosser, in their sole discretion, may exclude residual parcels from the levy.
 - d) If the property being subdivided has been previously subdivided and received a Certificate of Approval for a subdivision, the date of which Certificate of Approval is within 5 years prior to the date of the application for this subdivision and if a capital development fee has been paid pursuant to this By-Law on such prior subdivision, then the applicant is exempt from payment of the development fee pursuant to this By-law.
2. All levies assessed shall be a condition of subdivision approval and no subdivision shall be approved except subject as follows:
 - a) to a condition requiring payment of the applicable capital levy; or
 - b) until such capital levy has been paid or arrangements satisfactorily to the Municipality for the payment of capital levy has been made, including, if required, the posting of security to ensure payment of the capital levy in accordance with such arrangement.
3. That all capital levies so collected under this By-Law shall be deposited into the Capital Levy Reserve fund created by By-Law No. 11-01, as amended, and used in accordance with the provisions of said By-Law.
4. That By-Law No.6-01 is repealed.

DONE AND PASSED by the Council of The Rural Municipality of Rosser, in Council duly assembled in Rosser, Manitoba, this 9th day of March, A.D. 2004.

Reeve

Chief Administrative Officer

Read a first time this 10th day of February, A.D. 2004.

Read a second time this 20th day of February, A.D. 2004.

Read a third time, **as amended**, this 9th day of March, A.D. 2004.

Note: Amendment noted is the addition of Clause 1 d) on third reading.