THE CYPRESS PLANNING DISTRICT
FEES BY-LAW NO. 80-2024

BEING a By-law of the **Cypress Planning District Board** to establish fees and charges for development applications, planning applications, building permits and related matters.

WHEREAS Section 21(3),142(1) and 142(2) of *The Planning Act*, as amended, provides as follows:

21(3) The board of a planning district may adopt
(a) a by-law establishing the fees and charges to be paid for services provided by the district, including licenses, permits, certificates and other approvals and documents issued by the district; and
(b) other by-laws, not inconsistent with this Act, that may be necessary to carry out and exercise its duties and powers under this Act.

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.

AND WHEREAS the **Cypress Planning District Board** deems it expedient, and in the public interest to pass a by-law to establish fees in respect of services rendered by any officer or employee of the **Cypress Planning District Board**;

NOW THEREFORE, the **Cypress Planning District Board** in session duly assembled enacts as follows:

APPLICATION:

1. All development undertaken within the limits of the Cypress Planning District shall be subject to the fees as set out in this by-law, and shall be used to determine and regulate fees and charges as administered by the Development Officer and payable to the Board.

DEFINITIONS:

"Animal Housing Facility" means, for the purpose of this by-law, a barn or an outdoor non-grazing area where livestock are confined by fences or other structures.

"Board "means the Cypress Planning District Board.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy and, without restricting the generality of the foregoing, includes agricultural, residential, commercial and industrial structures and also may include a well, pipe line, conduit, cut, excavation, fill, transmission line and any structure or erection, and any part of any of those things, and also includes an addition to or extension of any building or any of those things and a chattle that is attached to, or installed in or on, any building or any of those things.

"Building/Plumbing Permit"means a permit issued by the designated officer and employee of the Cypress Planning District (namely, the Development Officer or Building Official) authorizing the construction or alteration of all or part of any building or structure, in accordance with the applicable Codes and Standards.

"Code"means the building/plumbing construction code or standard adopted under the *Buildings Act*, as amended. (All buildings requiring "Building Permits" fall under the classification of either Part 2, Part 3 or Part 9 of the Manitoba Building Code. (Typically buildings and structures classed as *Farm Buildings* that are less than 600sq meters in area are not regulated by the Manitoba Building Code.)

"Deck" means a structure which is either attached to a building or detached from a building and is higher than one riser (200mm (8 inches) measured above the average ground level on site.

"Designated Officer" means an officer of a planning district who is designated to carry out a power or responsibility in accordance with the *Planning Act or any other Act where designated,* and is hereby named as the Development Officer of the Cypress Planning District.

"Development Officer "means an employee of the Board, who may also serve as the Chief Building Official for the Cypress Planning District, responsible for issuing permits, administering and enforcing the Building Code and applicable District and member municipal by-laws under authority of *The Planning Act*.

"Development Permit "means a permit issued under the authority of a member jurisdiction's zoning by-law, authorizing development, and may include a building permit.

"Farm Building/Structure "means a building or structure which does not contain a residential occupancy and which is:
(a) Associated with and located on land devoted to the practice of farming and

(b) Used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, such as barns, produce storage buildings, milking centers, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centers, manure storages, greenhouses and garages not attached to a farm residence and
(c) Has a Low Human Occupancy (as applying to farm buildings) means an occupancy having an occupant load of not more than 1 person per 40 square meters during normal use)

Home Based Business- means an accessory use which is carried on for gain by an occupant of the dwelling unit, within the dwelling unit or any permitted accessory building or structure, and is incidental to or secondary to the use to a residential dwelling unit or an Agricultural Operation.

SECTION l: DEVELOPMENT APPLICATIONS

1. **Calculation of Fees**

(1) Development applications and permits payable for the construction, erection, placement, alteration, reconstruction, demolition, removal, relocation, repair, or renovation of a building, structure or sign, occupancy of new buildings, occupancy and change of occupancy of existing buildings, shall be based on the following tables.

(2) Where applicable, value is determined by including costs of all materials, equipment, devices, fees and labor to do the work to the completion of the project less the cost of land, and the Development Officer may require that stated values be verified or may impose a value on the project based on industry standards if, in their opinion, the stated value appears unrealistic:

(3) Flat rates: Where listed below, the permit fee shall be the flat rate specified.

(a) The minimum permit fee specified in this by-law shall be applied where flat rates are not specified.

(b) Minimum permit fee: unless specifically listed as a flat rate herein, or as another listed minimum fee, a permit fee shall be no less than a minimum of **$75.00**

(c) When applications for development are made which fall under multiple relevant sections of this by-law and can be administered under one permit application, only one "base" fee may be applied.

(d) Unless otherwise indicated, Development Permit Fees are included in the Building Permit Fees.

SECTION 2: BUILDING PERMIT APPLICATIONS

1. **Application of Part 2 - Agricultural Occupancies**

(1) Part 2 of Division B of the National Building Code applies to alterations, new construction of all or any part of a building or structure in accordance with the National Codes and Standards.

(a) Part 2 applies to the following buildings and structures:
A building having an area exceeding 600m^2, or more than 3 storeys in building height used for major occupancies classified as:

(i) Group G, Division 1 – High-Hazard Agricultural Occupancies
(ii) Group G, Division 2 – Agricultural Occupancies not Elsewhere Classified in Group G
(iii) Group G, Division 3 – Greenhouse Agricultural Occupancies
(iv) Group G, Division 4 – Agricultural Occupancies with no human Occupants.

2. **Permit Fees for Agricultural Occupancies:**

(1) All Buildings and structures, unless indicated separately in this section will be charged a Building Permit Fee based on the following:

(a) Flat Rate: Minimum Charge	$250.00
(b) Group G Division 1:	1.0% of the first $1,000,000.00 of project value 0.6% of the remainder of project value
(c) Group G, Division 2:	1.0% of the first $1,000,000.00 of project value 0.6% of the remainder of project value
(d) Group G Division 3:	1.0% of the first $1,000,000.00 of project value 0.6% of the remainder of project value
(e) Group G, Division 4:	0.5% of the project value
(f) Grain Storage Bins:	$75.00
(g) Demolition of Agricultural Buildings:	$40.00
(h) Relocation of Agricultural Buildings:	$60.00
(i) Installation of irrigation equipment:	$60.00

3. **Application of Part 3**
   (1) Part 3 of Division B of the National Building Code applies to alterations, new construction of all or any part of a building or structure in accordance with the National Codes and Standards.

   (a) Part 3 applies to the following buildings and structures:
   (i) Post-Disaster Buildings
   Major Occupancies Classified as:
   (i) Group A, -Assembly Occupancies
   (ii) Group B, -Care, treatment or Detention Occupancies,
   (iii) Group F, Division 1- High Hazard Industrial Occupancies

   (b) Exceeding 3 Storeys in building height, or having a building area exceeding 600m^2, used for major occupancies classified as:
   (i) Group C, -Residential Occupancies,
   (ii) Group D, -Business and Personal Services Occupancies,
   (iii) Group E, -Mercantile Occupancies, and
   (iv) Group F, Division 2 & 3- Medium and Low Hazard Industrial Occupancies

4. **Permit Fees for Part 3 Applications:**

   (1) All Buildings and structures, unless indicated separately in this section will be charged a Building Permit Fee based on the following:

(a) Flat Rate: Minimum Charge	$250.00
(b) All Occupancies:	1.0% of the first $1,000,000.00 of project value 0.6% of the remainder of project value
(c) Demolition of Part 3 Buildings;	$40.00

5. **Application of Part 9**
   (1) Part 9 of Division B of the National Building Code applies to alterations, new construction of all or any part of a building or structure in accordance with the National Codes and Standards.

   (2) Part 9 applies to the following buildings and structures:
   3 Storeys or less in building height, having a building area not exceeding 600m^2, and use for major occupancies classified as:
   (a) Group B, Division 4 Home-Type Care Occupancies,
   (b) Group C, -Residential Occupancies,
   (c) Group D, -Business and Personal Services Occupancies,
   (d) Group E, -Mercantile Occupancies, and
   (e) Group F, Division 2 & 3- Medium and Low Hazard Industrial Occupancies

6. **Permit Fees for Part 9 Applications:**
   All Buildings and structures, unless indicated separately in this section will be charged a Building Permit Fee based on the following:

(1) Flat Rate: Minimum Charge	$75.00 (First $5,000.00 of Construction Value)
(2) All Occupancies:	$6.00 per additional $1,000.00 Construction Value
(3) Accessory Structures under 10m^2	$75.00
(4) Outside private pools	$75.00
(5) Free Standing Deck Structures	$75.00
(6) Mobile/Modular Homes Installation	$175.00
(7) Demolition of Part 9 Buildings;	$40.00
(8) Ready-to-Move Dwellings	$150.00

   Unless inspected by an Authority Having Jurisdiction, Building Inspector to inspect prior to relocation into the Cypress Planning District, mileage charges will apply.

7. **Temporary Building & Structure Placement/Construction**:
   (1) The fee for the placement of a building/structure on a site for a temporary period of time not to exceed 3 months: $30.00
   (2) The fee for the placement of a building/structure on a site for a temporary period of time not exceeding 12 months: $60.00

8. **Plumbing Permit fees;**

(1) Fee for plumbing system as part of Part 2/3/9 Building Permit:		$0.00
(2) Connection to sewer or main building drain:		$60.00
(3) Rough in of each fixture outlet:	per fixture outlet	$10.00
(4) Rough in of floor drain:	per drain	$12.00
(5) Installation of potable water system:		$12.00

9. **Sign Permits:**
   (1) Fixed sign permits: $60.00
   (2) Mobile sign permits: per sign per year $40.00

SECTION 3: DEVELOPMENT PERMITS:

Unless otherwise indicated, Development Permit Fees are included in the Building Permit Fees.

1. Buildings classed as Farm Buildings, structures and animal housing facilities,
   Excluding Part 3 buildings such as buildings and structures classified as Group G Division 1, 2,3,4 & Part 9 buildings such as residences and garages serving the dwelling).

   (1) All Buildings and structures, unless indicated separately in this section will be charged a Development Permit Fee based on the following:
   (a) Construction Value up to $25,000.00 $75.00
   (b) Construction Value between $25,001.00 and $100,000.00 $125.00
   (c) Construction Value between $100,001.00 and $250,000.00 $200.00
   (d) Construction Value between $250,001.00 and $750,000.00 $300.00
   (e) Construction Value over $750,001.00 $500.00

   (2) New business or change of use of existing business/structure: $60.00
   (plus any required Zoning Fees)

   (3) Establishment of a Home Based Business $60.00
   (plus any required Zoning Fees)

SECTION 4: INSPECTIONS:

1. Inspections related to a Permit and conducted during regular hours: $ 0.00
   (fee included in permit fee)

2. Inspection requested of a building, RTM, mobile or modular home, building to be moved into the district, structure, plumbing system, along with the writing of a report or Order, other than an inspection following the issuance of a permit, and conducted within business hours within the Planning District, the fee shall be: $60.00/per hour
   (plus travel expenses, for the inspection and the writing of the report and any subsequent time spent on the administration of the file until completion or closing of the file.)

3. Inspections outside of regular business hours, including requested inspections, which are not restricted to a Development Permit: $75.00/per hour
   (plus travel expenses, for the inspection and the writing of the report and any subsequent time spent on the administration of the file until completion or closing of the file.)

4. Travel expenses for items listed above: mileage set by Board

SECTION 5:DEVELOPMENT& BUILDING PERMIT REFUNDS:

1. Whenever a permit is voluntarily surrendered, the permit fee can be refunded; however a charge will be withheld equal to 10% of the permit fee or $100.00 whichever is greater to cover administration costs. No refund will occur if more than a 12 month period has passed from the date the permit was issued.

2. Whenever a permit is revoked under a provision of the Building By-law, no portion of the permit fee shall be refunded.

SECTION 5: SURCHARGES FOR LATE PERMIT APPLICATIONS:

1. Where a development permit has not been obtained, for whatever reason, before the activity requiring it has started, and the Development Officer has not given permission for the Development to proceed, then **a surcharge of $100.00 shall be added.**

2. Where a building permit has not been obtained, for whatever reason, before the activity requiring it has started, and the Development Officer has not given permission for the construction to proceed, then **the total permit fee shall be doubled.**

3. Where a building or development permit has not been paid for, and the Development Officer has given reasonable notice to have the outstanding balance paid, the Development Officer shall proceed with requesting the governing Municipal Council apply the outstanding balance towards the property taxes of the affected parcel.

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SECTION 6: ZONING and DEVELOPMENT PLAN BY-LAW RELATED FEES:

1.	Zoning by-law amendments:	$800.00
2.	Development Plan amendments:	$1200.00
3.	Conditional Use (CU's) Order:	$350.00
4.	Variation Orders (VO's):	$350.00
5.	Minor Variation (MVO's):	$200.00
6.	Conditional Use & Variation Order:	$500.00
7.	Applications for Extensions for CU's, VO's and MVO's:	$50.00
8.	Conditional Use Order (Large Livestock Operations):	$1,200.00
9.	Cancellations:	no refund
10.	Refunds for zoning changes:	non-incurred costs only

SECTION 7: SURCHARGES FOR LATE VARATION ORDER OR CONDITIONAL USE ORDER APPLICATIONS:

Where a Variation Order or a Conditional Use has not been obtained, for whatever reason, before the activity requiring it has started, the following fees are applicable:

1.	Minor Variation following Commencement:	$250.00
2.	Variation Order, following commencement:	$500.00
3.	Conditional Use Order, following commencement:	$500.00
4.	Conditional Use & Variation Order:	$750.00

SECTION 8: CERTIFICATION:

1. Zoning Memorandum

(confirms extent to which a new or existing building on a site conforms to current zoning regulations)

(1) All buildings: $60.00

2. **Zoning Conformation Letter**

(confirms that a use, or a building placement on a site, conforms to previous zoning regulations and are therefore legal non-conforming)

(1) All buildings: $60.00

3. **Work Order Letter**

(confirms whether any violations cited by the Board are unresolved on a property)

(1) All buildings: $60.00

4. A surcharge may be added to the fee for any of the above certifications, equal to double the fee where a development permit should have first been obtained.

SECTION 9: DOCUMENT COPIES and PHOTOCOPIES:

1.	Miscellaneous photocopies	
	(1) black and white	$0.25/per page
2.	Building permit reports:	$15.00
3.	Maps:	$0.25/per page
4.	User-Defined reports:	$35.00/per hour

SECTION 10: SERVICE CHARGES:

1.	Fee for an N.S.F. cheque:	$40.00

SECTION 11: APPEALS AND SPECIAL MEETINGS REQUESTS

1.	Fee for any permit appeal:	$100.00
2.	Special meeting request fee:	$600.00

SECTION 12: REPEAL and EFFECTIVE DATE

Repeal:

By-Law No 63, being a by-law of the Cypress Planning District Board to establish development fees for development applications, permits and related matters, and all amendments thereto, is hereby repealed.

Effective Date: This By-Law is hereby adopted and shall come into full force on August 22nd, 2024.

DONE AND PASSED by the Cypress Planning District Board, in open session duly assembled at Carberry, in the Province of Manitoba this 22nd day of August A.D. 2024

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SECRETARY-TREASURER CHAIRPERSON

Received first reading this 11th day of July, A.D.2024
Received second reading this 22nd day of August, A.D.2024
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