

THE CYPRESS PLANNING DISTRICT

FEES BY-LAW NO. 69-2019

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:

1. **“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.
2. **“Board”** means the Cypress Planning District Board.
3. **“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.
4. **“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.
5. **“Code”** means the building/plumbing construction code or standard adopted under the *Buildings and Mobile Homes Act*, as amended. (All buildings requiring “Building Permits” fall under the classification of either 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.)
6. **“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.
7. **“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.
8. **“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*.

9. **“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.
10. **“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)
11. **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.
12. **“Patio”** means a detached structure placed on the ground which has a total elevation not higher than one riser (200mm (8 inches) measured above the average ground level on site.
13. **“Private Pool”** means an artificially constructed basin, lined with concrete, fiberglass, vinyl or like material, that is capable of containing a water depth greater than 60 cm (24 inches) and that is located on the property of a single family dwelling.

SECTION I: DEVELOPMENT APPLICATIONS

1.00 Calculation of fees for 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.

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 :

- a) Flat rates: Where listed below, the permit fee shall be the flat rate specified.
- b) The minimum permit fee specified in this by-law shall be applied where flat rates are not specified.
- c) **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**
- d) 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.
- e) Unless otherwise indicated, Development Permit Fees are included in the Building Permit Fees.

1.01 Commercial and Industrial Buildings and Structures (Applicable to the Building Code):

(i) **Commercial/Industrial Buildings and Structures:** the building permit fee shall be based on the total value of construction (work) as follows: -----**\$75.00**
for first \$5,000.00 of Construction Value and **\$6.00** per additional \$1,000.00 of Construction Value

(ii) If the Commercial/Industrial Building or Structure falls under Part 3 of the Building Code (due to size or occupancy type) then the Office of the Fire Commissioner (OFC) will be responsible for the Building Permit Fee, however a Development Permit will still be required and costs will be based as follows:-

- Construction Value under \$20,000.00-----**\$100.00**
- Construction Value between \$20,001.00 and \$100,000.00-----**\$200.00**
- Construction Value between \$100,001.00 and \$250,000.00-----**\$300.00**
- Construction Value between \$250,001.00 and \$1,000,000.00-----**\$400.00**
- Construction Value over \$1,000,001.00-----**\$500.00**

1.02 Building permits for Residential Development (Includes: residences, cottages, additions, attached accessory structures such as solariums, screened porches, garages and additions to mobile homes)

- a) Small accessory structures under 108sq ft (10sq m)-eg garden, tool and storage sheds -----**\$75.00**
- b) Detached garages and accessory structures over 108 sq ft (10 sq m) -----**\$75.00**
for first \$5,000.00 of Construction Value and **\$6.00** per additional \$1,000.00 of Construction Value.
- c) Attached garages and carports; -----**\$75.00**
for first \$5,000.00 of Construction Value and **\$6.00** per additional \$1,000.00 of Construction Value.
- d) Unenclosed attached or detached decks, ramps and similar structures; -----**\$75.00**
for first \$5,000.00 of Construction Value and **\$6.00** per additional \$1,000.00 of Construction Value.
- e) Outside private pools, including decks and fences/guards; -----**\$75.00**
for first \$5,000.00 of Construction Value and **\$6.00** per additional \$1,000.00 of Construction Value.

- f) Single Family Homes; -----\$**75.00**
for first \$5,000.00 of Construction Value and \$**6.00** per additional \$1,000.00 of Construction Value.
- g) Multi Family Part 9 Residential Structures; -----\$**75.00**
for first \$5,000.00 of Construction Value and \$**6.00** per additional \$1,000.00 of Construction Value.
- h) Residential Alterations/Renovations: the building permit fee is calculated as applying a base fee of \$**75.00** for first \$5,000.00 of Construction Value plus \$**6.00** per additional \$1000.00 of Construction Value.

1.03 Mobile Home/Modular Homes Installation; -----Flat Fee **\$175.00** plus fee based on Construction Value of on-site work (additions, porches, decks, carports, sheds etc).

1.04 Ready to move dwellings (RTM's) (new construction)

- (a) Built within the boundaries established under the jurisdiction of the Cypress Planning District Board-----Regular Permit Fee based on Construction Value. If unit is relocated within the boundaries of the Cypress Planning District then an additional fee based on Construction Value of onsite work plus relocation fee of **\$100.00** will be required.
- (b) Built outside the boundaries established under the jurisdiction of the Cypress Planning District Board and where a permit and inspections are required (no Local Authority) -----Regular Permit Fee based on Construction Value plus mileage charges, plus Construction Value of onsite work, plus relocation fee of **\$100.00** .
- (c) **RTM's moved into** the Cypress Planning District Area which have been permitted and inspected by a Local Authority;-----Regular Permit Fee of total project based on Total Construction Value less the cost of the RTM, plus relocation fee of **\$100.00**

1.05 Relocation of a building or structure or part of a building or structure other than a Mobile/Modular Home or RTM Home;----- Flat rate of **\$100.00**
plus additional fee for any work done at new location based on Construction Value.

1.06 Temporary Building & Structure Placement/Construction:

- a) The fee for the placement of a building or structure on a site for a temporary period of time not to exceed 3 months; (eg. booth, kiosk, small greenhouse etc.)-----Flat rate of **\$30.00**
- b) The fee for the placement of a building or structure on a site for a temporary period of time up to and not exceeding 12 months; (eg construction trailer or storage shed) -----Flat rate of **\$60.00**

1.07 Demolition of a building or structure; Demolition or Removal of a building or structure (includes accessory buildings):

- a) Any buildings/structures or part thereof under 108 sq ft in size; No fee or permit required **\$0.00**
- b) All other buildings and structures inc. Farm Buildings; ----- Flat rate of **\$40.00**

1.08 Plumbing Permit fees;

- (a) Minimum permit fee or connection to sewer or main building drain; -----Flat rate of **\$60.00**
- (b) Rough in of each fixture outlet, (fee includes fixture installation); -----per fixture **\$10.00**
- (c) Rough in of floor drain; -----per drain **\$12.00**
- (d) Installation of potable water system; -----Flat rate of **\$12.00**
- (e) Fee for installation of plumbing system as part of single family home construction or major renovations; -----Included as part of Building Permit fee **\$0.00**

1.09 Sign Permits:

- (a) Fixed sign permits; -----Flat rate of **\$60.00**
- (b) Mobile sign permits; -----per sign per year **\$40.00**

DEVELOPMENT PERMITS:

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

1.11. Buildings classed as Farm Buildings, structures and animal housing facilities. (excluding Part 3 buildings & Part 9 buildings such as residences and garages serving the dwelling).

Development Permit fees for farm buildings and structures:

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

-Construction Value up to \$25,000.00-----	\$75.00
-Construction Value between \$25,001.00 and \$100,000.00-----	\$125.00
-Construction Value between \$100,001.00 and \$250,000.00-----	\$200.00
-Construction Value between \$250,001.00 and \$750,000.00-----	\$300.00
-Construction Value over \$750,001.00 -----	\$500.00

(b) Buildings/structures over 6,458 sq ft (600 sq m) will require a Building Permit from the Office of the Fire Commissioner as per the Manitoba Farm Building Code, and will also require a Development Permit. Fees to be based on Construction Value as per section (a).

(c) Grain Storage Bins for Farm Use (If multiple bins are being installed on the same site at the same time, one application will be required to be completed.) -----Flat rate of \$75.00

(d) Installation of animal housing facilities or similar structures. Fees to be based on Construction Value as per section (a) plus any required Zoning Fees.

(e) Demolition of Farm Buildings; -----Flat rate of \$40.00

(f) Relocation of Farm Buildings; -----Flat rate of \$60.00

(g) Installation of wells and irrigation equipment for Farm Use;- -----Flat rate of \$60.00

1.12 Other Buildings or Structures; (Not classified as “Farm” “Part 3” & “Part 9” buildings or structures under the MB Building Code):

a) Base fee of \$75.00 for first \$5,000.00 of Construction Value plus \$6.00 per \$1000.00 of additional Construction Value.

1.13 New business or change of use of existing business/structure; -----Flat rate of \$60.00 plus any required Zoning Fees.

1.14 Establishment of a Home Based Business-----Flat rate of \$60.00 plus any required Zoning Fees.

SECTION 2: INSPECTIONS:

2.1 Inspections related to a Development Permit/Building Permit/Plumbing Permit and conducted during regular hours; ----- (fee included in permit fee) \$ 0.00

2.2 Whenever an inspection is 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 or fraction thereof, 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.

2.3 Inspections outside of regular business hours, including requested inspections, which are not restricted to a Development Permit -----\$75.00 per hour or fraction thereof, plus travel expenses.

2.4 Travel expenses for items listed above; -----as per current mileage and meal charges set by the Cypress Planning District Board.

2.5 When an inspection is called for and the site work is not complete to the satisfaction of the Building Official and when an additional inspection is required, additional charges for the inspection as follows: -----\$60.00 per hour or fraction thereof, plus travel expenses at the current rate prescribed by the Cypress Planning District Board.

SECTION 3: DEVELOPMENT& BUILDING PERMIT REFUNDS:

3.1 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.

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

SECTION 4: SURCHARGES FOR LATE PERMIT APPLICATIONS:

4.1 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.

4.2 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.

(Note:- Surcharge fees are at the discretion of the Development Officer or at the direction of The Board)

SECTION 5: ZONING and DEVELOPMENT PLAN BY-LAW RELATED FEES: (All applications include required standard advertising as per the *Planning Act*).

5.1 Zoning by-law amendments; -----\$800.00

5.2 Zoning by-law amendments initiated by member municipality for an application directly related to a municipal issue or development; -----\$450.00

Note: Plus additional incurred expenses at cost.

5.3 Development Plan amendments; ----- \$1200.00

Note:-Allows for maximum of two advertisements in two papers (total four).
-additional advertising and incurred expenses at cost.

5.4 Development Plan amendments initiated by member municipality for an application directly related to a municipal issue or development; -----\$450.00

Note:- Plus additional incurred expenses at cost.

5.5 Conditional Use Order; -----\$350.00

5.6 Variation Orders; -----\$350.00

5.7 Where a Conditional Use and a Variation Order are required for a single related development or land use application on the same site or parcel of land and where the hearings are combined the fee shall be;-----\$500.00

5.8 Applications for Extensions for CU's and VO's; -----\$50.00

5.9 Minor Variation (by Development Officer); -----\$200.00

5.10 Conditional Use for Large Livestock Operations;-----\$1,200.00

Note:- Plus additional incurred expenses at cost.

5.11 Cancellations: There will be no refund if an application for a Conditional Use Order or Variation Order is withdrawn after maps or lists and documentation have been prepared.

5.12 Refunds for zoning changes; -----non-incurred costs only.

5.13 Additional advertising costs other than what is required by the *Planning Act* in a standard application, is to be borne by the applicant.

SECTION 6: SURCHARGES FOR LATE VARIATION ORDER OR CONDITIONAL USE ORDER APPLICATIONS:

6.1 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:

(a) Minor Variation following Commencement; -----\$250.00

(b) Variation Order, following commencement; -----\$500.00

(c) Conditional Use Order, following commencement; -----\$500.00

(d) Where a Conditional Use and a Variation Order are required after commencement for a single related development or land use application on the same site or parcel of land and where the hearings are combined the fee shall be;-----\$750.00

(Note:-Surcharge Fees are at the discretion of the Development Officer or at the direction of The Board)

SECTION 7: CERTIFICATION:

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

- a. One or two family dwelling; -----\$60.00
- b. Any other building; -----\$60.00

7.2 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); -----\$60.00

7.3 Work order letter (confirms whether any violations cited by the Board are unresolved on a property); -----\$60.00

7.4 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 8: DOCUMENT COPIES and PHOTOCOPIES:

8.1 Miscellaneous photocopies

a) black and white; -----per page \$0.25

8.2 Building permit reports; -----\$15.00

8.3 Maps; ----- copying costs

8.4 User-Defined reports; -----\$35.00 per hour

SECTION 9: SERVICE CHARGES:

9.1 Fee for an N.S.F. cheque; -----\$40.00

SECTION 10: APPEALS AND SPECIAL MEETINGS

10.1 Fee for filing an appeal to the Cypress Planning District Board; -----\$100.00

10.2 Fee to request a special meeting of the Cypress Planning District Board-\$600.00

SECTION 11: REPEAL and EFFECTIVE DATE

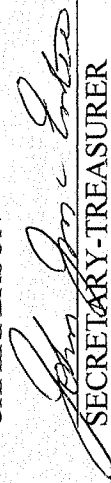
Repeal:

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 May 1, 2019.

DONE AND PASSED by the Cypress Planning District Board, in open session duly assembled at Carberry, in the Province of Manitoba this 11th day of April A.D. 2019


CHAIRPERSON


SECRETARY-TREASURER

Received first reading this 14th day of March A.D.2019

Received second reading this 11th day of April A.D. 2019

Received third reading this 11th day of April A.D. 2019