

THE MID-WEST PLANNING DISTRICT FEES BY-LAW

By-law No: #-1-2021

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 licences, 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 Mid-West Planning District Board deems it expedient and to repeal Fee Structure By-Law 1-2019 and all amendments thereto, and substitute therewith a new Fee Structure By-Law;

NOW THEREFORE, the Mid-West Planning District Board in session duly assembled enacts as follows:

1.0 APPLICATION:

- 1.1 All development undertaken within the limits of the Mid-West 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 interpreted and administered by the Development Officer and payable to the Mid-West Planning District.

2.0 DEFINITIONS:

- 2.1 “**Animal Confinement Facilities**” means an outdoor non-grazing area where livestock are confined by fences or other structures, and includes a feedlot, paddock, corral, exercise yard, and holding area and hoop structure.
- 2.2 “**Authority Having Jurisdiction**” means the governmental body responsible for the enforcement of any part of the Code or the official, or agency, designated by that body to exercise a function.
- 2.3 “**Agricultural Operation**” means an agricultural, horticultural or silvicultural operation that is conducted in order to produce agricultural products on a commercial basis, and includes:
- a) the production of crops, including grains, oil seeds, hay and forages, and horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs and greenhouse crops;
 - b) the use of land for livestock operations and grazing;
 - c) the production of eggs, milk and honey;
 - d) the raising of game animals, fur-bearing animals, game birds, bees and fish;
 - e) the processing necessary to prepare an agricultural product for distribution from the farm gate;
 - f) the operation of agricultural machinery and equipment, including the tillage of land and the application of fertilizers, manure, soil amendments and pesticides, whether by ground or aerial application;
 - g) the storage, use or disposal of organic wastes for agricultural purposes.
- 2.4 “**Assistant Development Officer**” means an employee of the Board who serves under the direction of the Development Officer of the Mid-West Planning District, and when duly designated by the Board is responsible for the administering and enforcing the Building Code and applicable planning district and member municipal by-laws under authority of *The Planning Act*.
- 2.5 “**Board**” means the Mid-West Planning District Board.
- 2.6 “**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 chattel that is attached to, or installed in or on, any building or any of those things.

- 2.7 **“Building Permit”** means a permit authorizing construction and/or renovations, issued by the Mid-West Planning District pursuant to the applicable municipal Zoning by-law and the Manitoba Building Code.
- 2.8 **“Code”** means the building 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 less than 600 sq. meters in size and classed as *Farm Buildings* are not regulated by the Manitoba Building Code.)
- 2.9 **“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.
- 2.10 **“Demolition Permit”** means a permit authorizing the demolition or removal of a building(s) and/or structure(s), including accessory buildings, issued by the Mid-West Planning District pursuant to the Manitoba Building Code.
- 2.11 **“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 Mid-West Planning District.
- 2.12 **“Development Officer”** means an employee of the Board, who may also serve as the Chief Building Official for the Mid-West 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*.
- 2.13 **“Development Permit”** means a permit authorizing development, including construction and/or land use, issued by the Mid-West Planning District pursuant to The Planning Act and the applicable Mid-West Planning District Development Plan and municipal Zoning by-laws.
- 2.14 **“Farm Building/Structure”** means a building or structure, other than a dwelling, which does not contain a residential occupancy, situated on a farm and used or to be used in the actual farming operation and which is:
- (a) associated with and located on land devoted to the practice of farming and considered to be an *“Agricultural Operation”* 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 centres, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, 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)
- 2.15 **“Home Occupation”** means an occupation, trade, profession or craft such as but not limited to a hair salon, bed and breakfast operation, tea room, home day care operator, lawyer or accountant and similar uses which are carried on in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the principal use of the property.
- 2.16 **“Home Industry”** means a small-scale manufacturing, repair or trade activity such as but not limited to a welding shop, plumber, electrician, carpentry or cabinet maker, auto repair mechanic or trucking operation and similar uses which are carried on in or from a dwelling or its accessory building for consideration and which is located on the same site and which is clearly secondary and incidental to the principal use of the property.
- 2.17 **“Interim Occupancy Permit”** means authorization in writing to occupy any building or part thereof prior to full completion.
- 2.18 **“Occupancy Permit”** means a permit authorizing the occupancy of a building or portion of a building, issued by the Mid-West Planning District pursuant to the Manitoba Building Code.
- 2.19 **“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.
- 2.20 **“Plumbing Permit”** means a permit authorizing plumbing installations and repairs, including all rough-

ins and hook-ups, issued by Mid-West Planning District pursuant to the Manitoba Plumbing Code and Manitoba Building Code.

2.21 **“Private Pool”** means an artificially constructed basin, lined with concrete, fibreglass, 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.

2.22 **“Temporary Building”** means a building placed at a particular location for a period authorized by the authority having jurisdiction. If the building is not removed on or before the end of the authorized period, it is considered to be a new building for the purpose of the Code.

2.23 **“Project Value”** means the total monetary worth of the final project costs, including all construction costs, material costs and labour costs associated with the project. This will include such things as site preparation, foundations, construction, all painting, papering, (interior finishes), exterior finishes, roofing, electrical work, plumbing, permanent or fixed equipment, including any permanent heating, elevator equipment, fire protection or sprinkler equipment, and all labour, materials and other devices entering into and necessary to the prosecution of the work in its completed form

2.24 **“Zoning Memoranda”** means a written letter that identifies whether or not all buildings and structures identified on a site and typically by a legal survey on the property in question, conforms to the siting requirements in the applicable Zoning By-law, and if applicable, reasons for non-conformance.

2.25 **“Zoning Conformation Request”** means to verify, in writing, the land use designation as per the Development Plan, zoning as per the applicable Zoning By-law, on a specific site. (Zoning Confirmations are typically used by financial institutions during due diligence processes, but can be requested by anyone at any time.)

3.0 ZONING and DEVELOPMENT PLAN BY-LAW RELATED FEES

3.1 All applications include required standard advertising as per the *Planning Act*.

SEC #	AMENDMENTS TO PLANNING DOCUMENTS	FEES
3.2	Zoning by-law amendments	\$550.00 base fee plus advertising based on cost recovery
3.3	Municipally owned property or development zoning by-law amendments	Base fee waived; advertising costs only based on cost recovery
3.4	Development Plan amendments	\$1,500.00 plus advertising based on cost recovery
3.5	Municipally owned development or property Development Plan amendments	Base fee waived; advertising costs only based on cost recovery
3.6	Zoning change refund	non-incurred costs only

SEC #	VARIANCE AND CONDITIONAL USE	FEES
3.7	Conditional Use Order	\$350.00
3.8	Retroactive Conditional Use Order (unauthorized activity prior to approval)	\$450.00 surcharge
3.9	Conditional Use Order for Intensive Livestock Operation (over 300 AWU's)	\$750.00 plus advertising based on cost recovery
3.10	Variation Orders	\$350.00 + \$75.00 for each additional variance requested at the same site
3.11	Retroactive Variation Order (unauthorized activity prior to approval)	\$450.00 surcharge
3.12	Minor Variation (at the discretion of the Development Officer)	\$150.00
3.13	Retroactive Minor Variance (unauthorized activity prior to approval)	\$75.00 surcharge
3.14	Conditional Use and Variation Order (where required for a single related development or land use application <u>on the same site or parcel of land</u> and where the hearings are combined)	\$650.00
3.15	Retroactive Conditional Use and Variation Order (unauthorized activity prior to approval)	\$750.00 surcharge
3.16	Extension of Variance or Conditional Use Application	\$80.00
3.17	Cancellation of Variance or Conditional Use Application	No refund if withdrawn after maps or

		lists and documentation have been prepared
3.18	Additional Advertising (costs incurred, other than costs for standard processes named in the <i>Planning Act</i>)	Charged back to the applicant based on cost recovery
3.19	Processing Charges (Where an application is requested or required to be revised, after all work and advertising has been completed for the application)	Flat fee of \$150.00 plus additional advertising based on cost recovery

4.0 DEVELOPMENT & BUILDING PERMIT FEES (GENERAL)

4.1 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:

Where applicable, value of Development Permit Applications and Building Permit Applications is determined by a project value calculation which includes the total construction costs of all materials, equipment, devices and labour to do the work to the completion of the project, as specified by definition.

4.2 Alteration of a determination of Value: Where applicable, the authority having jurisdiction may determine/calculate a valuation on the cost of the work for the purposes of determining permit fees. Such valuations shall take precedence over any valuation, or assigned value provided by the owner or applicant.

Note: Enabling provisions may also be referenced in the applicable Municipalities Building By-Law.

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

4.4 Development Permit Fees are assigned to a development when a Development Permit is required as per the requirements of the member municipalities Zoning By-Law; development permit fees are applicable to most developments. A separate fee and in most instances are to be added to the applicable Building Permit Fees as specified.

4.5 Development Permit Fee Exception: In some cases where a Site Plan is not required with a Building Permit application, the Development Permit fee is deemed to be included in the assigned Building Permit fee and not assigned.

4.6 Development Permit & Base Fee Application: When applications for development(s) are made which fall under multiple relevant sections of this by-law and can be administered under one permit application on the same identifiable parcel of land, only one “development permit / base fee” is assigned.

4.7 Minimum Building Permit Fee Application: The minimum permit fee specified in this by-law shall be applied where flat rates are not specified.

4.8 Minimum Building Permit Fee Assigned: unless specifically listed as a flat rate herein, or as another listed minimum fee, a building permit fee shall be no less than a minimum of \$80.00.

SEC #	RESIDENTIAL BUILDINGS AND ADDITIONS ¹	FEES
4.9	Development Permit Base Fee ²	\$80.00
4.10	Building Permit Base Fee	\$80.00
4.11	Building Permit: Ground storey including foundations	\$0.65 per sq. ft.
4.12	Building Permit: Foundation only construction (Basement, Crawlspace, Structural Slab, Grade Beam, Pier Type, and similar foundations)	\$0.35 per sq. ft.
4.13	Building Permit: Upper storey(s) (in addition to ground story permit)	\$0.30 per sq. ft.
4.14	Building Permit: Unenclosed patio decks, ramps and similar structures	\$75.00
4.15	Building Permit: Outside private pools, including decks and fences	\$100.00
4.16	Building Permit: Stand alone private pools and hot tubs	\$80.00

4.17	Detached single-storey accessory structures (including foundation) over 108 sq. ft. of building area and larger	\$0.30 per sq. ft.
4.18	Residential Alterations/Renovations	\$8 per \$1,000 of the total Project Value
4.19	Ready to move dwellings (RTM) (Part 9 construction) (Constructed within the boundaries established under the jurisdiction of the Mid-West Planning District)	Regular Permit Fees apply (see above)
4.20	Ready to move dwellings (RTM) (Part 9 construction) (Constructed outside the boundaries established under the jurisdiction of the Mid-West Planning District and where a permit and inspections are required)	Regular Permit Fee plus mileage charges (\$0.50/km)

¹Includes: cottages, additions, attached accessory structures such as solariums, screened porches, garages and additions to mobile homes, etc.

²Development Permit Fees are usually applicable to all residential building permits

SEC #	INSTALLATION (moving in or relocating) of or part of a Building or Structure ^{2, 3}	FEES
4.21	Development Permit Base Fee ⁴	\$80.00
4.22	Residential Buildings (accessory)	\$100.00
4.23	Commercial & Industrial Buildings	\$275.00
4.24	Mobile Homes & Modular Homes	\$275.00
4.25	Ready to Move (RTM) Buildings, Single Family dwellings, (Part 9 Buildings)	Flat rate of \$275.00 per unit

²Plumbing Permit fee may also be applicable

³Additional inspection costs may be applicable

⁴Development Permit Fees are usually applicable to all residential building permits

SEC #	COMMERCIAL & INDUSTRIAL BUILDINGS ⁵	FEES
4.26	Development Permit Base Fee ⁶	\$80.00
4.27	Commercial/Industrial Buildings and Structures with a Project Value \$500,000 or less	\$85.00 + 1% of the valuation of the work
4.28	Commercial/Industrial Buildings and Structures with a Project Value greater than \$500,000	1% of the first \$500,000 and 0.6% of the valuation of the work over \$500,000
4.29	Permanent location of a storage container	\$200

⁵For buildings and structures applicable to the Manitoba Building Code

⁶Development Permit Fees are usually applicable to all commercial/industrial building permits.

SEC #	TEMPORARY BUILDING & STRUCTURES	FEES
4.30	Development Permit Base Fee ⁷	\$80.00
4.31	Placement of a building or structure on a site for a designated temporary period of time	\$50.00 per month until the building or structure is removed from the site
4.32	Placement of a building or structure on a site for a temporary period of time up to and not exceeding 6 months	\$250.00
4.33	Placement of a building or structure on a site for a temporary period of time up to and not exceeding 12 months	\$500.00
4.34	Construction or erection of a building on a site for a temporary period of time	Same as the fee for a Development or Building Permit plus the listed fee per month until the building is removed from the site

⁷Development Permit Fees are usually applicable to the initial application, not applicable for a renewal.

SEC #	PLUMBING PERMITS	FEES
4.35	Rough in of each fixture outlet, including connection to sewer or main building drain, installation of a sump, grinder pump, back water valve or similar device (fee includes fixture installation)	\$15.00 per drain (min. of \$45.00)
4.36	Plumbing system is replaced, including the installation of equipment during construction	Flat rate of \$120.00 per unit

SEC #	OCCUPANCY PERMITS	FEEES
4.37	Occupancy Permit: associated with a building permit	\$60.00
4.38	Interim occupancy permit	\$110.00
4.39	Occupancy Permit: Administrative Change (change of occupancy only when a building permit is not issued)	\$80.00
4.40	Temporary occupancy permit (6-month period, max of 18 months)	\$80.00

SEC #	AGRICULTURAL / FARM BUILDINGS AND ADDITIONS ^{8,9}	FEEES
4.41	Buildings/structures unless indicated in this section	\$80.00 + \$0.06/sq. ft.
4.42	Buildings/structures over \$500,000 in value	\$100.00 + \$3 for every \$1000 of Project Value
4.43	Grain Storage Bins, Fertilizer Tanks and similar structures ¹⁰	Minimum fee of \$50.00
4.44	Installation of animal confinement facilities or similar structures	\$80.00 + \$1 for every \$1000 of value
4.45	Relocation of Farm Buildings	\$80.00
4.46	Permanent location of a storage container	\$80.00 Development fee + \$200.00

⁸ To be classed as an agricultural development, the proposed agricultural development shall conform to the applicable definitions contained herein.

⁹ All buildings classed as Part 9, Part 3 buildings & other structures, residences and garages serving the dwelling, cannot be classed as an agricultural building.

¹⁰ If multiple bins or similar structures are being installed on the same site at the same time, one application will be required to be completed.

SEC #	OTHER DEVELOPMENT FEES	FEEES
4.47	Part 3 Buildings and structures (Development Permit Fee for Part 3 buildings and structures where a building permit is administered by the Department of Labour (OFC))	\$200.00
4.48	Other Buildings or Structures (Not classified as "Farm" "Part 3" & "Part 9" buildings or structures as defined by the MB Building Code)	\$80.00 + \$4 for every \$1000 of value (maximum of \$1500.00)
4.49	Establishment of a Home-based business, Home occupancy or Home industry	\$80.00
4.50	Installation of Fences	\$25.00
4.51	Installation of Solid Fuel Burning Appliances and other Mechanical Heating or Hydronic Systems, (for appliances not included in the issuance of a building permit)	\$250.00
4.52	Installation of a Heat Recovery Ventilator (HRV) or Energy Recovery Ventilator (ERV) system (not included in the issuance of a building permit)	\$50.00

SEC #	SIGNS	FEEES
4.53	Development Permit base fee	\$80.00
4.54	Fixed Sign permit	\$80.00/sign
4.55	Mobile Sign permit	\$80.00/sign/year

SEC #	DEMOLITION	FEEES
4.56	Any buildings/structures or part thereof under 108 sq. ft. in size	No permit or fee required
4.57	Residential buildings and accessory structures	\$90.00
4.58	Commercial/Industrial buildings and accessory structures	\$200.00
4.59	Farm Buildings	\$20.00

SEC #	INSPECTIONS	FEEES
4.60	Inspections related to a development permit and conducted during regular hours.	Fee included in permit fee
4.61	Re-inspection of work not completed from a permit's scheduled inspection	\$80.00 per hour or fraction thereof, plus travel expenses ¹¹
4.62	Requested inspection down payment	\$200.00 down payment fee prior to any work being undertaken. Full payment is required prior to the issuance of the report to the applicant.
4.63	Inspections outside of regular business hours, including requested inspections, which are not restricted to a development permit	\$80.00/hour or fraction thereof, plus traveling expenses ¹¹
4.64	Requested inspection and written report or Order other than an issued permit inspection during business hours of MWPD. Can include building, RTM, mobile or modular home, building to be moved into the district, structure, or plumbing system	\$80.00/hour or fraction thereof, plus traveling expenses ¹¹ + time for writing the report and administration of the file until completion or closing
4.65	Fire Prevention Inspections	\$80.00/hour or fraction thereof, plus traveling expenses ¹¹ + time for writing the report and administration of the file until completion or closing

¹¹ Travel expenses means mileage compensated at a rate of \$0.50/km driven to and from the site.

5.0 DEVELOPMENT & BUILDING PERMIT REFUNDS

SEC #	PERMIT FEE REFUNDS	FEEES
5.1	Voluntary surrender of a Permit	80% of the permit fees minus \$75.00/inspection completed
5.2	Revocation of a permit under a provision of the Building By-Law	None

6.0 NOTICE AND COMPLIANCE ACTIONS & PENALTY FEES:

SEC #	PENALTY FEES	FEEES
6.1	Where a development permit/building permit has not been obtained, for whatever reason, before the activity requiring it has started.	Surcharge of \$80.00 shall be added to permit fees ¹²
6.2	Non-compliance with a Notice or Order ¹³	The total permit fee shall be doubled and an additional surcharge of \$80.00 to cover additional administrative costs shall be applied. ¹²
6.3	Non-compliance with a second Notice or Order ¹⁴	Surcharge of \$500.00 shall be added to the permit fee to cover additional administrative costs.
6.4	Non-compliance with third Notice ¹⁵	Requires that this matter be reviewed by the Mid-West Planning District Board and further legal actions at the discretion of the Board will be taken to gain compliance.
6.5	Document Fees Surcharge: Where additional documentation (Notices or Orders listed in Section 6.0), is required to be written and sent to the individual named in the enforcement action being taken, and is being written in order to gain compliance.	\$80.00 per document prepared and provided. At the discretion of the Development Officer, to cover basic administrative costs.
6.6	Non-Sufficient Funds (NSF) Cheque	\$30.00
6.7	Interest Charges on all accounts over 30 days	1.5% per month (19.56% annually)

6.8	Appeals: filing an appeal to the Mid-West Planning Board	\$50.00
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¹² A “satisfactory permit application” must include all required documentation, professional seals or certifications where required and payment of the permit fee and surcharges

¹³ Notice & Compliance Actions (Notification shall be given and all required documentation and fees required to bring the development into conformance are to be supplied within 20 days from date of mailing of documentation which may be correspondence, an Order or other similar notice)

¹⁴ If additional notice for non-compliance or the writing of an Order is required to be served, an additional 20 days from the date of mailing is to be allowed for time to notify and comply.

¹⁵ Order shall be written by the Development Officer/Building Official and mailed to gain compliance. If additional notice (Order) for non-compliance is required, an additional 20 days from the date of mailing is to be allowed for time to notify and comply.

7.0 MISCELLANEOUS ADMINISTRATIVE FEES

SEC #	ZONING MEMORANDUMS & CERTIFICATIONS	FEES
7.1	Zoning Memorandum: One- or two-family dwelling	\$100.00
7.2	Zoning Memorandum: Any other building	\$100.00
7.3	Zoning Conformation Request	\$100.00
7.4	Work Order Letter (confirms whether any violations cited by the Board are unresolved on a property)	\$100.00
7.5	Where a development permit should have first been obtained for the above certifications	Surcharge of double the fees

SEC #	DOCUMENTS, COPYING & PRINTING & REPORTS	FEES
7.6	Documentation fees (when additional documentation is required, prepared, or requested, which is out of the scope of standard office administration procedures)	\$80.00 per each document prepared and provided
7.7	Documentation fees (applicant requests for service, reports to Council or the Board, or other similar user required or defined reports, or requested reports)	\$80.00 per each document prepared and provided and the same rate is to be assigned for each additional hour of time required to complete the report
7.8	Documentation delivery surcharges (When delivery of documentation is required to be delivered when actions are taken as described in this section, by methods other than regular mail postage, such as registered mail Xpress Post or by a third-party server or other similar delivery methods.)	Costs incurred will be deemed to be a surcharge and be charged to the individual, landowner or applicant being served
7.9	Miscellaneous photocopies	\$0.50 per page
7.10	Building permit reports	\$15.00
7.11	Maps	Copying costs

8.0 REPEAL and EFFECTIVE DATE

Repeal: By-Law No 1-2019, being a by-law of the Mid-West Planning District Board to establish development fees for development applications, permits and related matters, and all amendments thereto, are hereby repealed.

Effective Date: Fee Structure By-Law 1-2021 is hereby adopted and shall come into full force on the date following that on which it received third reading by the Mid-West Planning District Board.

DONE AND PASSED by the Mid-West Planning District Board, in open session duly assembled in Miniota, in the Province of Manitoba this **04 day of March A.D. 2021**

Brent Fortune
CHAIRPERSON

Lisa Hamilton
SECRETARY-TREASURER

Received first reading this 04 day of February A.D.2021
Received second reading this 04 day of March A.D.2021
Received third reading this 04 day of March A.D.2021