

THE MID-WEST PLANNING DISTRICT FEES BY-LAW

By-law No: #-1-2022

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 1-2011 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 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, tearoom, 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 can contain 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 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 and necessary to the prosecution of the work in its completed form
- 2.24 **“Zoning Memoranda”** means a written letter that identifies whether 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
3.10	Retroactive Conditional Use Order for Intensive Livestock Operation (over 300 AWU's)	\$850 surcharge
3.11	Conditional Use Order for Aggregate Pits	\$750.00
3.12	Retroactive Conditional Use Order for Aggregate Pits	\$850 surcharge
3.13	Variation Orders	\$350.00 + \$75.00 for each additional variance requested at the same site
3.14	Retroactive Variation Order (unauthorized activity prior to approval)	\$450.00 surcharge
3.15	Minor Variation (at the discretion of the Development Officer)	\$150.00
3.16	Retroactive Minor Variance (unauthorized activity prior to approval)	\$75.00 surcharge
3.17	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
3.18	Retroactive Conditional Use and Variation Order (unauthorized activity prior to approval)	\$750.00 surcharge
3.19	Extension of Variance or Conditional Use Application	\$80.00
3.20	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
3.21	Processing Charges (Where an application is requested or	\$350

	required to be revised, after all work and advertising has been completed for the application)
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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.

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 Minimum Permit Fee Assigned: unless specifically listed as another listed minimum fee, a permit fee shall be no less than a minimum of \$75.00.

SEC #	RESIDENTIAL BUILDINGS AND ADDITIONS ¹	FEES
4.5	Building Permit: Foundation only construction (Basement, Crawlspace, Structural Slab, Grade Beam, Pier Type, and similar foundations)	\$0.35 per sq. ft.
4.6	Building Permit: Upper storey(s) (in addition to ground story permit)	\$0.35/sq. ft.
4.7	Building Permit: Unenclosed patio decks and similar structures	\$75.00
4.8	Building Permit: Ramps ²	\$50.00
4.9	Building Permit: Outside private pools (in-ground or above ground) and hot tubs	\$75.00
4.10	Detached single-storey accessory structures (including foundation) over 108 sq. ft. of building area and larger	\$0.35/sq. ft.
4.11	Residential Alterations/Renovations	1% of the total Project Value
4.12	Ready to move dwellings (RTM) (Part 9 construction) (Constructed within the boundaries established under the jurisdiction of the Mid-West Planning District)	\$0.35/sq. ft.
4.13	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)	\$80/hour plus mileage charges (\$0.50/km), including travel time.

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

²Ramp fees are the fee listed and an exception to the minimum permit fee of \$75.

SEC #	INSTALLATION (moving in or relocating) of or part of a Building or Structure ^{3, 4}	FEES
4.14	Residential Accessory Buildings/Structures	\$100.00
4.15	Commercial & Industrial Buildings	\$275.00
4.16	Mobile Homes or Modular Homes or Ready to Move (RTM) Buildings, Single Family dwellings, (Part 9 Buildings)	\$350.00

³ Plumbing Permit fee may also be applicable

⁴ Additional inspection costs may be applicable

SEC #	COMMERCIAL & INDUSTRIAL BUILDINGS⁵	FEES
4.17	Commercial/Industrial Buildings and Structures with a Project Value \$500,000 or less	1% of the valuation of the work
4.18	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
4.19	Permanent location of a storage container	\$200
4.20	Buildings/Structures renovations/alterations	1% of the total Project Value

⁵ For buildings and structures applicable to the Manitoba Building Code

SEC #	TEMPORARY BUILDING & STRUCTURES	FEES
4.21	Placement of a building or structure on a site for a temporary period of up to and not exceeding 6 months	\$250.00
4.22	Construction or erection of a building on a site for a temporary period	Same as the fee for a Development or Building Permit plus the listed temporary fee in 4.21 until the building is removed from the site

SEC #	PLUMBING PERMITS	FEES
4.23	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 (minimum of \$45.00 ⁶)
4.24	Plumbing system is replaced, including the installation of equipment during construction	Flat rate of \$120.00 per unit

⁶If a plumbing permit is acquired as a standalone permit; the minimum plumbing fee is an exception to the minimum permit fee of \$75.

SEC #	OCCUPANCY PERMITS	FEES
4.25	Occupancy Permit: associated with a building permit	\$80.00 plus mileage charges (\$0.50/km)
4.26	Interim occupancy permit	\$200.00
4.27	Occupancy Permit: Administrative Change (change of occupancy only when a building permit is not issued)	\$80.00
4.28	Temporary occupancy permit (6-month period, max of 18 months)	\$80.00

SEC #	AGRICULTURAL / FARM BUILDINGS AND ADDITIONS ^{7, 8}	FEES
4.29	Buildings/structures unless indicated in this section	\$0.06/sq ft.
4.30	Buildings/structures over \$500,000 in value	\$3 for every \$1000 of Project Value
4.31	Grain Storage Bins, Fertilizer Tanks and similar structures ⁹	\$100.00
4.32	Installation of animal confinement facilities or similar structures	\$1 for every \$1000 of project value
4.33	Relocation of Farm Buildings	\$80.00
4.34	Permanent location of a storage container	\$200.00
4.35	Buildings/Structures renovations/alterations	1% of the total project value

⁷ To be classed as an agricultural development, the proposed agricultural development shall conform to the applicable definitions contained herein.

⁸ All buildings classed as Part 9, Part 3 buildings & other structures, residences and garages serving the dwelling, cannot be classed as an agricultural building.

⁹ 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	FEES
4.36	Part 3 Buildings and structures (Development Permit Fee for Non-Ag Part 3 buildings and structures where a building permit is administered by the Department of Labour (OFC))	\$200.00
4.37	Part 3 Buildings and structures (Development Permit Fee for Farm Part 3 buildings and structures where a building permit is administered by the Department of Labour (OFC))	\$80.00
4.38	Other Buildings or Structures (Not classified as "Farm" "Part 3" & "Part 9" buildings or structures as defined by the MB Building Code)	1% of total project value
4.39	Establishment of a Home-based business, Home occupancy or Home industry	\$80.00
4.40	Installation of Fences	\$100.00
4.41	Installation of Solid Fuel Burning Appliances and other Mechanical Heating or Hydronic Systems, (for appliances not included in the issuance of a building permit)	\$75.00

4.42	Installation of a Heat Recovery Ventilator (HRV) or Energy Recovery Ventilator (ERV) system (not included in the issuance of a building permit)	\$100.00
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SEC #	SIGNS	FEES
4.43	Fixed Sign permit	\$80.00/sign
4.44	Mobile Sign permit	\$80.00/sign/year

SEC #	DEMOLITION	FEES
4.45	Any buildings/structures or part thereof under 108 sq. ft. in size	No permit or fee required
4.46	Residential buildings and accessory structures OR Commercial/Industrial buildings and accessory structures OR Farm Buildings	\$75.00

SEC #	INSPECTIONS	FEES
4.47	Inspections related to a development permit and conducted during regular hours.	Fee included in permit fee
4.48	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 ¹⁰ + time for writing the report and administration of the file until completion or closing
4.49	Fire Prevention Inspections	<p>\$800 flat rate + mileage for first time/overdue inspections (includes 1 follow-up inspection)</p> <p>\$500 flat rate + mileage for regularly scheduled inspections (includes 1 follow-up inspection)</p> <p>\$150 flat rate + mileage for any additional follow-up inspections and/or reports required because of non-compliance.</p>

¹⁰Travel expenses means mileage compensated at a rate of \$0.50/km driven to and from the site.

5.0 NOTICE AND COMPLIANCE ACTIONS & PENALTY FEES:

SEC #	PENALTY FEES	FEES
5.1	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 ¹¹
5.2	Non-compliance with a Notice or Order ¹²	\$250.00 penalty fee due immediately
5.3	Non-compliance with a second Notice or Order ¹³	\$250.00 penalty fee due immediately
5.4	Non-compliance with third Notice ¹⁴	\$250.00 penalty fee due immediately PLUS 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.
5.5	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 to gain compliance.	\$80.00/hour (minimum 1 hour) + mileage to post at site
5.6	Non-Sufficient Funds (NSF) Cheque	\$30.00
5.7	Interest Charges on all accounts over 30 days	1.5% per month (19.56% annually)
5.8	Appeals: filing an appeal to the Mid-West Planning Board	No charge if added to a regularly scheduled Board Meeting. \$500.00 to call a meeting date outside the regular schedule.

¹¹ A “satisfactory permit application” must include all required documentation, professional seals or certifications where required and payment of the permit fee and surcharges

¹² 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)

¹³ 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.

¹⁴ 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.

6.0 MISCELLANEOUS ADMINISTRATIVE FEES

SEC #	ZONING MEMORANDUMS & CERTIFICATIONS	FEES
6.1	Zoning Memorandum: One- or two-family dwelling	\$100.00
6.2	Zoning Memorandum: Any other building	\$100.00
6.3	Zoning Conformation Request	\$100.00
6.4	Work Order Letter (confirms whether any violations cited by the Board are unresolved on a property)	\$100.00

SEC #	DOCUMENTS, COPYING & PRINTING & REPORTS	FEES
6.6	Documentation fees (when additional documentation is required, prepared, or requested, which is out of the scope of standard office administration procedures)	\$80.00/hour (minimum 1 hour)
6.7	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/hour (minimum 1 hour)
6.9	Miscellaneous photocopies	\$0.50 per page

8.0 REPEAL and EFFECTIVE DATE

Repeal: By-Law **No 1-2021**, 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 1-2022 is hereby adopted and shall come into full force on January 1, 2022 after it receives 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 the Miniota, in the Province of Manitoba this **02 day of December A.D. 2021**

CHAIRPERSON

SECRETARY-TREASURER

Received first reading this 04 day of November A.D.2021
Received second reading this 02 day of December A.D.2021
Received third reading this 02 day of December A.D.2021