

# THE MID-WEST PLANNING DISTRICT FEES BY-LAW

## By-law No: #-4-2023

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 1-2023 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 **“Addition”** means an improvement that increases the square footage of a structures. These include lateral additions added to the side or rear of a structure, vertical additions added on top of a structure and enclosures added underneath a structure.
- 2.2 **“Alteration”** means a change to an existing building.
- 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 **“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.

2.6 **“Board”** means the Mid-West Planning District Board.

2.7 **“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.

2.8 **“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.

2.9 **“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.)

2.10 **“Deck”** means the flat surface capable of supporting weight, like a floor, but typically constructed outdoors at least 8” from grade (ground) and with a dimension greater than five (5) feet if attached to the building in front of a door/exit. Otherwise, any sized flat surface that is over 8” from grade (ground) is considered a deck, whether attached to a building or not.

2.11 **“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.

2.12 **“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.

2.13 **“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*.

2.14 **“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.

2.15 **“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)

- 2.16 **“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 **“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.
- 2.18 **“Interim Occupancy Permit”** means authorization in writing to occupy any building or part thereof prior to full completion.
- 2.19 **“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.
- 2.20 **“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.
- 2.21 **“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.
- 2.22 **“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).
- 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 **“Renovation”** means an update to an existing building or a return to a new condition.
- 2.25 **“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.

2.26 **“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.)

2.27 **“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.

### 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 on the same site or parcel of land)	\$650.00

	and where the hearings are combined)	
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 required to be revised, after all work and advertising has been completed for the application)	\$350

#### **4.0 PERMIT FEES (GENERAL)**

**4.1 Calculation of fees:** When calculated fee are calculated based on project value, calculated based on the project square footage, or based on an hourly rate for time spent working on the file. A project value calculation 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 Project 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 Hourly rate:** \$80.00/hour

**4.5 Minimum Permit Fee Assigned:** unless specifically listed as another listed minimum fee, a total permit fee shall be no less than a minimum of \$120.00.

SEC #	DEVELOPMENT PERMITS	FEES
4.6	To accompany a MWPD Building Permit requiring a site plan	\$120.00
4.7	Mobile Homes or Modular Homes or Ready to Move (RTM) Buildings, Single Family dwellings, (Part 9 Buildings) installation (moving in or relocating) of or part of a Building or Structure <sup>1,2</sup>	\$350.00
4.8	Residential Accessory Buildings/Structures installation (moving in or relocating) of or part of a Building or Structure <sup>1,2</sup>	\$120.00
4.9	Establishment of a Home-based business, Home occupancy or Home industry	\$80.00
4.10	Commercial & Industrial Buildings installation	\$120.00

	(moving in or relocating) of or part of a Building or Structure <sup>1,2</sup>	
4.11	Aggregate Pits/Mining: on-site review required when opening or closing a section of the pit/mine.	\$500.00 (includes up to 5 on-site reviews over a maximum period of 25 years)
4.12	Agriculture buildings <sup>3,4</sup> up to 600m <sup>2</sup> including original construction, locating, alterations or renovations	\$120.00
4.13	Grain Storage Bins, Fertilizer Tanks and similar structures <sup>5</sup>	\$120.00
4.14	Permanent location of a storage container	\$120.00
4.15	Hot tub or above ground pool	\$120.00
4.16	Residential or Commercial/Industrial Fence	\$120.00
4.17	Part 3 Buildings where a building permit is administered by Inspection and Technical Services Manitoba (ITSM)	\$120.00
4.18	Other property development or Structures (Not classified as "Agricultural", "Part 3" & "Part 9" buildings or structures as defined by the MB Building Code) Examples include towers, solar arrays, parking lots, permanent playground equipment, wind turbines.	\$120.00/structure
4.19	Permanent Sign	\$120.00 per sign
4.20	Mobile Sign	\$120.00 per year per sign
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
<b>SEC #</b>	<b>BUILDING PERMITS<sup>6</sup></b>	<b>FEES</b>
4.22	Residential Building Permit: Foundation construction (Basement, Crawlspace, Structural Slab, Grade Beam, Pier Type, and similar foundations), ground storey and upper storey(s), enclosed decks, additions	\$0.35/sq. ft.
4.23	Installation of Solid Fuel Burning Appliances	\$120.00
4.24	Installation of a Non-solid fuel burning mechanical heating or hydronic system, Heat Recovery Ventilator (HRV) or Energy Recovery Ventilator (ERV) system (not included in the issuance of a building permit for the construction of the original building)	\$200.00
4.25	Residential detached single-storey accessory structures (including foundation) over 108 sq. ft. of building area and larger	\$0.35/sq. ft.
4.26	Ready to move dwellings (RTM) (Part 9 construction) (Constructed within the boundaries established under the jurisdiction of the Mid-West	\$0.35/sq. ft.

	Planning District)	
4.27	Residential Alterations/Renovations up to \$100,000 in project value	1% of the total Project Value
4.28	Residential Alterations/Renovations over \$100,000 in project value	1% of the total Project Value on the first \$100,000 plus 0.25% on any project value above \$100,000
4.29	Building Permit: Unenclosed patio decks and similar structures	\$120.00
4.30	Building Permit: Ramps <sup>7</sup>	\$50.00
4.31	Building Permit: Outside in-ground pools	\$0.35/sq. ft.
4.32	Commercial/Industrial Buildings and Structures with a Project Value \$500,000 or less	1% of the valuation of the work
4.33	Commercial/Industrial Buildings and Structures with a Project Value greater than \$500,000	1% of the first \$500,000 of project value and 0.6% of the valuation of the work over \$500,000
4.34	Commercial/Industrial Buildings/Structures renovations/alterations	1% of the total Project Value
4.35	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
4.36	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 <sup>8</sup> )
4.37	Plumbing system is replaced, including the installation of equipment during construction	Flat rate of \$120.00 per unit
SEC #	OCCUPANCY PERMITS	FEES
4.38	Occupancy Permit: associated with a non-dwelling building permit	Hourly rate or fraction thereof to a maximum of 3 hours, plus traveling expenses <sup>9</sup> .
4.39	Occupancy Load Certificate, including site visit to measure and calculated load and issue certificate.	Hourly rate or fraction thereof to a maximum of 3 hours, plus traveling expenses <sup>9</sup> .
4.40	Interim occupancy permit	\$200.00
4.41	Occupancy Permit: Administrative Change (change of occupancy only when a building permit is not issued), no load calculations required.	\$80.00
4.42	Temporary occupancy permit (6-month period, max of 18 months)	\$80.00

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

#### **5.0 INSPECTION FEES:**

SEC #	INSPECTIONS	FEES
5.1	Inspections related to a Building or development permit and conducted during regular hours.	Fee included in permit fee
5.2	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)	Hourly rate or fraction thereof, plus traveling expenses <sup>9</sup> .
5.3	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	Hourly rate or fraction thereof, plus traveling expenses <sup>9</sup> + time for writing the report and administration of the file until completion or closing
5.4	Additional Building Inspection (Re-inspection) due to deficiencies.	Hourly rate or fraction thereof, plus traveling expenses <sup>9</sup> .
5.5	Fire Safety Inspection: Arenas	\$500.00 flat rate (includes mileage, travel time and 1 follow-up inspection)
5.6	Fire Safety Inspection: Community Centre/Club	\$250.00 flat rate (includes mileage, travel time and 1 follow-up inspection)
5.7	Fire Safety Inspection: Hotel/Motel	\$500 flat rate (includes mileage, travel time and 1 follow-up inspection)
5.8	Fire Safety Inspection: Restaurants/Licensed Premises	\$500.00 flat rate (includes mileage, travel time and 1 follow-up inspection)
5.9	Fire Safety Inspection: Schools	\$500.00 flat rate (includes mileage, travel time and 1 follow-up inspection)
5.10	Fire Safety Inspection: Daycares (own buildings)	\$250.00 flat rate (includes mileage, travel time and 1 follow-up inspection)
5.11	Fire Safety Inspection: Elderly Persons Housing	\$250.00 flat rate (includes mileage, travel time and 1 follow-



		up inspection)
5.12	Fire Safety Inspection: F1 High Hazard occupancy buildings	\$800.00 flat rate (includes mileage, travel time and 1 follow-up inspection)
5.13	Surcharge for Out of District Fire Safety Inspections	Travelling Expenses <sup>9</sup>
5.14	Additional Follow-up Fire Safety Inspections for any additional follow-up inspections and/or reports required because of non-compliance.	\$150.00 + mileage
5.15	Requested Fire Prevention Inspection on a building occupancy not listed	Hourly rate or fraction thereof, plus traveling expenses <sup>9</sup> + time for writing the report and administration of the file until completion or closing

## **6.0 NOTICE AND COMPLIANCE ACTIONS & PENALTY FEES:**

<b>SEC #</b>	<b>PENALTY FEES</b>	<b>FEES</b>
6.1	Missed Inspection – Not calling for a required inspection before moving to the next step.	\$120.00
6.2	Where a development permit/building permit has not been obtained, for whatever reason, before the activity requiring it has started.	Surcharge of \$120.00 shall be added to permit fees <sup>10</sup>
6.3	Expired Permit (inactivity for 6 months)	Reapply at current rates
6.4	Renewal of an expired permit with no changes	\$120.00 + any missed inspections
6.5	Non-compliance with a Notice or Order <sup>11</sup>	\$250.00 penalty fee due immediately
6.6	Non-compliance with a second Notice or Order <sup>12</sup>	\$350.00 penalty fee due immediately
6.7	Non-compliance with third Notice <sup>13</sup>	\$550.00 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.
6.8	Document Fees Surcharge: Where additional documentation (Notices or Orders listed in Section 5.0), is required to be written and sent to the individual named in the enforcement action being taken and is being written to gain compliance.	Hourly rate (minimum 1 hour) + mileage to post at site
6.9	Non-Sufficient Funds (NSF) Cheque	\$30.00
6.10	Interest Charges on all accounts over 30 days	1.5% per month (19.56% annually)
6.11	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.

## **7.0 MISCELLANEOUS ADMINISTRATIVE FEES**

<b>SEC #</b>	<b>ZONING MEMORANDUMS &amp; CERTIFICATIONS</b>	<b>FEES</b>
7.1	Zoning Memorandum	\$100.00/property
7.2	Zoning Confirmation Request	\$100.00/property
7.3	Work Order Letter (confirms whether any violations cited by the Board are unresolved on a property)	\$100.00/property

<b>SEC #</b>	<b>DOCUMENTS, COPYING &amp; PRINTING &amp; REPORTS</b>	<b>FEES</b>
7.4	Documentation fees (when additional documentation is required, prepared, or requested, which is out of the scope of standard office administration procedures or applicant requests for service, reports to Council or the Board, or other similar user required or defined reports, or requested reports)	Hourly rate (minimum 1 hour)
7.5	Miscellaneous photocopies	\$0.50 per page

## **8.0 FOOTNOTES**

<sup>6</sup>Includes: cottages, additions, attached accessory structures such as solariums, screened porches, garages, and additions to mobile homes, etc.

<sup>7</sup>Ramp fees are the fee listed and an exception to the minimum permit fee of \$120.00.

<sup>1</sup>Plumbing Permit fee may also be applicable

<sup>2</sup>Additional inspection costs may be applicable

<sup>8</sup>If a plumbing permit is acquired as a standalone permit; the minimum plumbing fee is an exception to the minimum permit fee of \$120.00.

<sup>3</sup>To be classed as an agricultural development, the proposed agricultural development shall conform to the applicable definitions contained herein.

<sup>4</sup>All buildings classed as Part 9, Part 3 buildings & other structures, for example residences and garages serving the dwelling, cannot be classed as an agricultural building.

<sup>5</sup>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.

<sup>9</sup>Travel expenses means drive time and mileage driven to and from site. Mileage based on rates set out in the Mid-West Planning Travel Expenditure and Reimbursement Policy.

<sup>10</sup>A "satisfactory permit application" must include all required documentation, professional seals or certifications where required and payment of the permit fee and surcharges

<sup>11</sup>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)

<sup>12</sup>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.

<sup>13</sup>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.

## **9.0 REPEAL and EFFECTIVE DATE**

**Repeal:** By-Law **No 1-2023**, 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 4-2023 is hereby adopted and shall come into full force, 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 **01 day of June A.D. 2023**.

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CHAIRPERSON

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SECRETARY-TREASURER

Received first reading this 04 day of May A.D.2023

Received second reading this 01 day of June A.D.2023

Received third reading this 01 day of June A.D.2023