

**THE RURAL MUNICIPALITY OF OAKLAND
PLANNING, DEVELOPMENT AND BUILDING
FEES BY-LAW**

BY-LAW No: 1267/06

Being a By-law of The Rural Municipality of Oakland to establish fees and charges for planning applications, development applications and building permits and related matters.

WHEREAS *The Municipal Act* reads in part as follows:

232(1) *A Council may pass by-laws for municipal purposes respecting the following matters:*

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;*
- (f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;*
- (o) the enforcement of by-laws.*

232(2) *Without limiting the generality of subsection (1), a council may in a by-law passed under this Division . . .*

- (a) regulate or prohibit;*
- (b) adopt by reference in whole or in part, with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a province or a recognized technical or professional organization; and require compliance with the code or standard;*
- (c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;*
- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality . . .*
- (e) subject to the regulations, provide for a system of licenses, permits or approvals, including any or all of the following:*
 - (i) Establishing fees, and terms for payment of fees, for inspections, licenses, permits and approvals, including fees related to recovering the costs of regulation.*
 - (ii) Establishing fees for licenses, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality.*
 - (iii) Prohibiting a development, activity, industry, business or thing until a license, permit or approval is granted.*
 - (iv) Providing that terms and conditions may be imposed on any license, permit or approval, and providing for the nature of the terms and conditions and who may impose them.*
 - (v) Providing for the duration of licenses, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law.*

236(1) *Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions*

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and*
- (b) remedying contraventions of by-laws, including*
 - (i) creating offences,*
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge,*

- or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law;
- (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act,

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

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 Rural Municipality of Oakland 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 Rural Municipality of Oakland;

NOW THEREFORE, The Rural Municipality of Oakland in session duly assembled enacts as follows:

DEFINITIONS:

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.
2. **“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.
3. **“Building Permit”** means a permit issued by the designated officer and employee of The Rural Municipality of Oakland (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.
4. **“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 classed as *Farm Buildings* are not regulated by the Manitoba Building Code.)
5. **“Council”** means the Council of the Rural Municipality of Oakland.
6. **“Designated Officer”** means an employee of the Rural Municipality of Oakland 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 Rural Municipality of Oakland.
7. **“Development Officer”** means an employee of the Rural Municipality of Oakland, who may also serve as the Chief Building Official for The Rural Municipality of Oakland, responsible for issuing permits, administering and enforcing the Building Code and applicable municipal by-laws under authority of *The Planning Act*.
8. **“Development Permit”** means a permit issued the authority of the Rural Municipality of Oakland’s zoning by-law, authorizing development, and may include a building permit.
9. **“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 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)

10. **“Interim Occupancy Permit”** means authorization in writing to occupy any building or part thereof prior to full completion.

11. **“Occupancy Permit”** means authorization issued in writing pursuant to the applicable zoning regulations, to occupy any building or part thereof, in the Rural Municipality of Oakland.

12. **“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.

APPLICATION:

1. All development undertaken within the limits of The Rural Municipality of Oakland shall be subject to the fees as set out in Schedule “A” to this by-law, and said Schedule “A” shall be used to determine and regulate fees and charges as administered by the Development Officer and payable to The Rural Municipality of Oakland.

EFFECTIVE DATE:

12.1 This By-Law is hereby adopted and shall come into full force and effect on the date on which it received third reading by The Rural Municipality of Oakland Council.

DONE AND PASSED by Council of the Rural Municipality of Oakland in open session duly assembled in Nesbitt, in the Province of Manitoba this ____ day of _____ 2006

REEVE

Marlene Biles,
Chief Administrative Officer

Received first reading this ____ day of _____ A.D.2007

Received second reading this ____ day of _____ A.D. 2007

Received third reading this ____ day of _____ A.D. 2007

SCHEDULE "A"

SECTION 1: 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 and labour to do the work to the completion of the project.

1.01 Fee Calculations:

- 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) All construction of buildings, structures:
 - (i) **Commercial/Industrial Buildings and Structures:** the building permit fee shall be calculated as 1% of the total construction value.
 - (ii) **Single-Family Dwellings and Duplexes only:** the building permit fee shall be calculated by applying the rates listed in section 1.04 to the gross areas of the building or other applicable fee assigned.
- d) **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\$35.00
- e) **Reduction for fees over \$1,000.00 for single-family dwellings and duplexes:** The portion of any building permit fee in excess of \$1,000.00 shall be reduced to 60% of the calculated amount.
- f) **Reduction of fees over \$5,000.00 for any building other than a single-family dwelling or duplex:** The portion of any building permit fee in excess of \$5,000.00 shall be reduced to 60% of the calculated amount.

1.02 Ready to move dwellings (RTM's)

- (a) Built within the boundaries of The Rural Municipality of OaklandRegular Permit Fee.
- (b) Built outside the boundaries of The Rural Municipality of Oakland and where a permit and inspections are requiredRegular Permit Fee plus mileage charges.
- (c) RTM's moved into The Rural Municipality of Oakland Area;Flat Fee \$150.00.

1.03 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 100 sq ft in size.No fee or permit required \$0.00
- b) Any buildings/structures or part thereof up to 592 sq ft in size.flat rate of \$0.00
- c) Any buildings/structures or part thereof over 592 sq ft in size.flat rate of \$0.00

- d) All buildings/structures classed as Farm Buildings:
flat rate of \$0.00

1.04 Building permits for single-family dwellings and duplexes:

(Includes: cottages, additions, attached accessory structures such as solariums, screened porches, garages and additions to mobile homes)

- a) Ground storey including foundations.....\$35.00 base fee + \$.37 per sq ft
- b) Upper storeys \$0.21 per sq ft
- c) Finishing of basement (including the lower level of a bi-level)..... flat rate of \$50.00
- d) Replacement foundations.....\$35.00 base fee + \$.20 per sq ft
- e) Unenclosed patio decks, ramps and similar structures that are more than 2 feet above grade and/or anchored to building: flat rate\$40.00
- f) Outside private pools, including decks and fences flat rate of..... \$100.00
- g) Private pools only.....flat rate of \$35.00
- h) Detached single-storey accessory structures (including foundation)
 - i. 107.64 to 592 sq. ft. building areaflat rate of \$60.00
 - ii. Over 593 sq. ft. of building area and larger flat rate of \$100.00
- i) Residential Alterations/Renovations: the building permit fee is calculated by applying a flat fee of \$50.00 per room.

1.05 Plumbing permit fees;

- (a) For a new one and two family dwelling unit including the installation of equipment during construction;flat rate of \$100.00
- (b) Minimum permit fee (up to 3 fixtures)flat rate of \$30.00
- (c) Rough in of each fixture outlet, including floor drain, (fee includes fixture installation)per drain \$15.00

1.06 Fixed sign permits.....flat rate, each. \$35.00

1.07 Mobile sign permitsper sign per year \$25.00

1.08 Occupancy permit to close a building permit file.....flat rate of \$25.00

1.09 Interim occupancy permit.....flat rate of \$50.00

1.10 Occupancy permit for change of occupancy only
 (with no building permit issued).....flat rate of \$0.00
 (An additional Building Permit may be applicable for work required.)

1.11 Temporary Building Placement/Construction:

- a) The fee for the placement of a building on a site for a temporary period of time is the listed fee per month, until the building is removed from the site
flat rate per month \$30.00

1.12 Mobile Home Trailer/Modular Homes Installation.....flat rate \$80.00

1.13 Installation of Solid Fuel Burning Appliances and other Mechanical Heating or Hydronic Systems, not included in a building permit.....flat rate \$75.00

- 1.13 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 \$35.00
 Farm Buildings flat rate of \$0.00

- 1.14 Farm Buildings, structures and animal confinement facilities,** (excluding Part 9 & Part 3 buildings, residences and garages serving the dwelling);

Development Permit fees for farm buildings and structures:

- (a) Minimum permit fee.\$20.00
- (b) Buildings/structures from 1000 sq ft. to 2000 sq ft.flat rate of \$35.00
- (c) Buildings/structures from 2001 sq. ft. to 10,000 sq ft flat rate of\$100.00
- (d) Buildings/structures over 10,000 sq ft.....flat rate of \$500.00
- (e) Buildings/structures over 10,000 sq ft and over \$500,000 in value, flat rate of \$100.00 plus \$3/\$1000.00
- (f) Grain Storage Bins for Farm Use,
 under 10 000 bushel capacityflat rate of \$0.00
 over 10 000 bushel capacity for Farm Use.....minimum permit fee of \$20.00
- (g) Installation of animal confinement facilities or similar structures
base fee of \$20.00 plus \$1. per \$1000.00 of value.

- 1.15 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:

- (a) \$20,000.00 in construction value and under.....\$50.00
- (b) over \$20,000.00 in construction value \$100.00

SECTION 2: INSPECTIONS:

- 2.1** Inspections related to a development permit and conducted during regular business hours..... (fee included in permit fee) \$0.00
- 2.2** Whenever an inspection is required of a building, structure or plumbing system, other than an inspection following the issuance of a permit, and conducted within business hours and conducted within the rural Municipality of Oakland, the fee shall be:\$35.00 per hour or fraction thereof, plus travel expenses.
- 2.3** Inspections outside of regular business hours, including requested inspections, which are not restricted to a development permit.....\$55.00/hour or fraction thereof, plus traveling expenses.
- 2.4** Travel expenses for items listed above;as per current mileage and meal charges as set by The Rural Municipality of Oakland..

SECTION 3: DEVELOPMENT PERMIT REFUNDS:

- 3.1** Whenever a permit is voluntarily surrendered, the permit fee can be refunded; however a charge will be withheld equal to 20% of the permit fee plus \$60.00 for each on-site inspection that was made.
- 3.2** Whenever a permit is revoked under a provision of the Rural Municipality of Oakland 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, a surcharge of \$35.00 shall be added to the permit fee to cover additional administrative costs.
- 4.2 Where a development permit has not been obtained, for whatever reason, before the activity requiring it has started, in addition to the surcharge noted in section 4.1 (above), the total permit fee shall be doubled after a delay of 15 days, between the date that notice of permit requirement is given and the date that satisfactory permit application is made. A “satisfactory permit application” must include all required professional seals or certifications where required and a certified cheque for payment of the permit fee.
- 4.3 Where a development permit has not been obtained after notification has been given as required in Section 4.2 (above), in addition to the surcharge noted sections in 4.1 and 4.2 (above), a surcharge of \$100.00 shall be added to the permit fee to cover additional administrative costs, after a delay of 15 days between the date that notice of permit requirement is given and the date that satisfactory permit application is made. A “satisfactory permit application” must include all required professional seals or certifications (where required) and a certified cheque for payment of the permit fee.

SECTION 5: ZONING and DEVELOPMENT PLAN BY-LAW RELATED FEES:

- 5.1 Development Plan amendments requested by private interests (plus actual advertising costs) \$ 1,000.00
- 5.2 Zoning by-law amendments requested by private interests (plus actual advertising costs) \$ 500.00
- 5.3 Development Plan or Zoning By-law amendments initiated by Council involving lands owned by the Rural Municipality of Oakland..... \$ 0.00
- 5.4 By-law amendments initiated by private developers\$500.00
- 5.5 Conditional Use Order.....\$250.00
- 5.6 Variation Orders\$250.00
- 5.7 Applications for an extension of a Conditional Use Permit..... \$35.00
- 5.8 Minor Variation (by Development Officer).....\$35.00
- 5.9 Cancellations: There will be no refund if an application for a Conditional Use Order or Variation Order is withdrawn after maps or lists have been prepared.
- 5.10 Refund of application fees for withdrawn development plan and/or zoning by-law amendments.....non-incurred costs only

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

- 6.1 Where a Variation Order or a Conditional Use Order has not been obtained, for whatever reason, before the activity requiring it has started, a surcharge of \$200.00 **may** be added to the fee.

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.....\$35.00
 - b. Any other building.....\$35.00
- 7.2 Work Order letter (identifies and confirms outstanding violations in respect of development on a property)\$35.00
- 7.3 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: ELECTRONIC DOCUMENT COPIES and PHOTOCOPIES:

- 8.1 Zoning by-laws (digital).....each \$25.00
- 8.2 Development Plans (digital).....each \$25.00
- 8.3 Miscellaneous photocopies
 - a) black and white.....per page \$0.10
- 8.4 Maps copying costs

SECTION 9: SERVICE CHARGES:

- 9.1 Fee for an N.S.F. cheque.....\$25.00

SECTION 10: APPEALS

- 10.1 Fee for filing an appeal to the Council of the Rural Municipality of Oakland\$ 50.00

SECTION 11: FIRE INSPECTIONS:

- 11.1 The fee for requested fire inspections within The Rural Municipality of Oakland where the designated officer has the authority to perform these inspections are as follows:.....actual costs incurred.