

**RURAL MUNICIPALITY OF ST. ANDREWS No. 287**

**BYLAW No. 119-2020**

The Council of the Rural Municipality of St. Andrews No. 287 in the Province of Saskatchewan enacts as follows:

**1. Short Title**

- (a) This Bylaw may be cited as the Building and Development Fees Bylaw.

**2. Purpose**

- (a) This Bylaw is pursuant to the powers vested in the Municipality by ss. 51 and 173 of *The Planning and Development Act, 2007*, and s. 13 of *The Uniform Building and Accessibility Standards Act* to provide for the imposition of fees and recovery of costs associated with applications made and reviews conducted pursuant to powers granted by the foregoing statutes and the statutes referenced below, and the grant or denial of applications made pursuant to those bylaws, the negotiation of agreements associated therewith and costs associated with or arising from amendments to the following those bylaws the Municipality as amended or replaced from time to time, such bylaws being:

- (a.i) The Building Bylaw;
- (a.ii) The Official Community Plan; and
- (a.iii) The Zoning Bylaw.

**3. Application**

- (a) This Bylaw applies throughout the jurisdictional limits of the Municipality.

**4. Definitions**

- (a) In this Bylaw:
  - (a.i) “administration costs” means an hourly charge for time spent by municipal employees in relation to a matter referenced in this bylaw as set out in Schedule A to this bylaw.
  - (a.ii) “Building Official” means the person appointed as such by Council pursuant to the Building Bylaw.
  - (a.iii) “fees and costs” means all costs incurred by or on behalf of the Municipality for the purposes referenced in this bylaw, and without limiting the foregoing shall include:
    - (a.iii.A) Costs associated with any meeting of Council including the payment of additional indemnity to Councillors or overtime to staff, and the costs of any special meeting called by Council;

- (a.iii.B) Costs of any public participation process required by law, or directed by Council including but not being limited to any facility rental costs, advertising costs and other disbursements incurred; and
- (a.iii.C) Professional fees of any or all of the following:
  - (a.iii.C.1) The Building Official;
  - (a.iii.C.2) Any planning consultant retained by the Municipality;
  - (a.iii.C.3) Any engineer retained directly or indirectly by the Municipality;
  - (a.iii.C.4) Legal counsel to the Municipality; and
- (a.iii.D) Administrative costs in excess of the initial processing of an application.
- (a.iv) "Council" means the council of the Municipality.
- (a.v) "Development Officer" means the development officer appointed pursuant to the Zoning Bylaw.
- (a.vi) "Municipality" means the Rural Municipality of St. Andrews No. 287.

## **5. Application Fees**

- (a) A person applying for a building permit pursuant to the Building Bylaw shall pay an application fee in accordance with Schedule B to this bylaw.
- (b) A person applying for a development permit pursuant to the Zoning Bylaw shall pay an application fee in accordance with the fee schedule.
- (c) A person seeking an amendment to the Official Community Plan or the Zoning Bylaw shall pay an application fee in accordance with Schedule "B" to this bylaw.

## **6. Costs of Building or Zoning Review and Approval Process and Contract Zoning**

- (a) Where Council shall appoint an individual or corporation to act as the Building Official, the Administrator shall, upon receipt of the application, direct a copy of the application to the building and thereafter, the applicant shall liable to pay to the Municipality:
  - (a.i) All fees and costs associated with any review of the application, whether a permit is either granted or rejected, including any costs associated with amendments to the application, whether required by the Building Official or Council or otherwise.

- (a.ii) All fees and costs associated with the administration of any permit granted to the applicant from the time of grant until the permit is closed including but not being limited to the fees and costs of the Building Official and any other person retained thereby or by Council for the purposes of administering the permit;
  - (a.iii) In respect of any action or proceeding taken for the purposes of enforcing compliance with the permit and the directions of the Building Official in relation thereto until the permit is closed:
    - (a.iii.A) The administration costs associated therewith; and
    - (a.iii.B) All fees and costs in relation thereto.
- (b) Where following application for a development permit, the Development Officer or Council shall determine that review of a development permit application by other professionals is warranted or required, the Development Officer shall retain such professional advisers as may be required, in the discretion of the Development Officer, and shall inform the applicant of the retention thereof. From and after the retention of such advisers, the applicant shall be liable to pay to the Municipality
  - (b.i) All fees and costs associated with any review of the application, whether or not an amending bylaw is ultimately drafted and put to Council for determination, and whether or not any amendment is approved by Council or rejected, including any costs associated with amendments to the application, whether proposed by the Applicant, or by the Development Officer or Council or otherwise;
  - (b.ii) All fees and costs associated with any public participation process required by law or considered advisable by Counsel, in its sole discretion; and
  - (b.iii) In respect of any action or proceeding taken for the purposes of enforcing compliance with the permit and the directions of the Development Officer in relation thereto, until development is complete in accordance with the terms and conditions of the permit:
    - (b.iii.A) The administration costs associated therewith; and
    - (b.iii.B) All fees and costs in relation thereto.
- (c) Where an application for a development permit should require a contract zoning agreement, and where the Development Officer or Council shall determine that assistance from other professionals is warranted or required in order to determine the appropriate terms and conditions thereof, the Development Officer shall retain such professional advisers as may be required, in the discretion of the Development Officer, and shall inform the

applicant of the retention thereof. From and after the retention of such advisers, the applicant shall be liable to pay to the Municipality:

- (c.i) All fees and costs associated with any advice obtained by the Municipality respecting the terms and conditions of any such agreement and the drafting and negotiation thereof, whether or not a contract is ultimately drafted or put to Council for acceptance, and whether or not any agreement is approved by Council or rejected, including any costs associated with amendments to the agreement, whether proposed by the Applicant, or by the Development Officer or Council or otherwise;
- (c.ii) All fees and costs associated with any public participation process required by law or considered advisable by Counsel, prior to concluding a contract;
- (c.iii) All fees and costs associated with any required consents or approvals;
- (c.iv) All fees and costs associated with registration of the contract zoning agreement; and
- (c.v) In respect of any action or proceeding taken for the purposes of enforcing compliance with the permit and the contract and the directions of the Development Officer in relation thereto, until development is complete in accordance with the terms and conditions of the permit and the contract:
  - (c.v.A) The administration costs associated therewith; and
  - (c.v.B) All fees and costs in relation thereto

## **7. Costs of Review of Servicing Agreements**

- (a) Where a person should apply to amend to the Director of Community Planning for subdivision approval, and where Council should by resolution determine that a servicing agreement is required, each such servicing agreement shall contain a provision for the applicant to pay to the Municipality and the applicant shall be liable to pay to the Municipality the following:
  - (a.i) All fees and costs associated with the drafting, development and negotiation of the servicing agreement whether the subdivision application is approved or rejected including, but not being limited to advice respecting:
    - (a.i.A) The appropriate on-site servicing requirements of the Municipality;
    - (a.i.B) The appropriate off-site servicing fees to be charged by the Municipality;

- (a.i.C) The appropriate security to be posted by the applicant;
- (a.i.D) The appropriate terms and conditions to be included in the agreement; and
- (a.ii) The costs of perfecting any security required under the servicing agreement and of the registration of the servicing agreement against title to the land to be subdivided; and
- (a.iii) The costs of enforcing the servicing agreement.

## **8. Costs of Amendment**

- (a) Where a person should apply to amend the Zoning Bylaw and/or Official Community Plan for the purposes of a planned or prospective development, and where Council should by resolution determine that it is prepared to consider amending the bylaw(s), the applicant shall be liable to pay to the Municipality the following:
  - (a.i) All fees and costs associated with any review of the application, whether a permit is either granted or rejected, including any costs associated with amendments to the application, whether required by the Building Official or Council or otherwise;
  - (a.ii) All fees and costs associated with any public participation process required by law or considered advisable by Counsel, in its sole discretion;
  - (a.iii) All fees and costs associated with the obtaining any consents or approvals necessary by law; and
  - (a.iv) All fees and costs associated with the consolidation of the amendments into the Zoning Bylaw for the purposes of publication.

## **9. Deposit of Anticipated Fees and Costs**

- (a) Where an applicant will be liable for the payment associated with the public participation process, or any other fees and costs pursuant to this bylaw, the Administrator or the Development Officer, as the case may be, may, in their sole discretion, provide an estimate of the likely amount of such fees and costs and may require the deposit of an amount equal to the that estimate with the Municipality.
- (b) Where an earlier estimate of fees and costs has been made pursuant to section 9.1 and the deposit should be exhausted or it appears that the first estimate was inadequate, a supplementary estimate of fees and costs may be provided to the applicant and the applicant required to post those additional funds with the Municipality.

- (c) Any estimate made and requirement imposed pursuant to section 9.1 and 9.2 shall be in writing and shall be delivered to the applicant.
- (d) Once notice has been delivered pursuant to section 9.1 or 9.2, no further steps shall be taken with respect to the application until such time as deposit of the required sum has been made by the applicant.
- (e) Where a deposit has been placed with the Municipality, fees and costs invoiced by the Municipality in accordance with section 10 may be deducted from the deposit in order to pay such invoices.
- (f) Upon completion of the process for which a deposit and/or supplementary deposit has been made, any excess will be refunded to the applicant.

#### **10. Invoicing and Payment of Fees and Costs**

- (a) In all cases, the fees and costs associated with advice and services provided to the Municipality shall be paid by the Municipality in the first instance.
- (b) Once paid, the Municipality shall invoice fees and costs it has paid to the person liable for payment under this bylaw. Where an invoice is not paid in full from a deposit held pursuant to section 9, the applicant shall pay such invoice or the outstanding portion thereof within 30 days of delivery by the Municipality.
- (c) Where any application giving rise to fees and costs relates to land located within the Municipality, fees and costs unpaid at year-end may be added to and form part of the taxes owing on that land.
- (d) Neither the invoicing of fees and costs by the Municipality nor the payment thereof by the person liable to pay shall constitute a waiver of any privilege or right of confidentiality covering advice given to the Municipality by its professional advisors.

#### **11. General**

- (a) In the event of any inconsistency between the provisions of this bylaw and any other bylaw of the Municipality, this bylaw shall govern.
- (b) A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any provision of this Bylaw shall not affect the validity of the remaining parts of this Bylaw.

#### **12. Coming into Force**

- (a) This Bylaw shall come into force and effect on 9<sup>th</sup> day of January. 2020.

[SEAL]

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Reeve

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Administrator

Certified true copy of Bylaw No. 119-2020,  
adopted by resolution of Council on the  
9<sup>th</sup> day of January, 2020.

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Reeve

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Administrator

**SCHEDULE "A"****Administrative Costs**

Time spent on matters by employees of the Municipality and recoverable under this bylaw shall be charged at the hourly rate of pay for that employee (calculated on the basis of 220 hours and an 8 hour day in the case of employees on annual salary), plus a 10% administrative overhead charge.

**SCHEDULE "B"****Tariff of Application Fees**

13. Application for Building Permit [insert your current fees];
14. Application for Development Permit [suggested if you don't have fees set by bylaw presently]:
  - (a) Permitted Principal Use: \$150.00;
  - (b) Permitted accessory use (where permit required:): \$75.00;
  - (c) Permitted ancillary use (where permit required:): \$75.00;
  - (d) Discretionary Principal Use: \$500.00;
  - (e) Discretionary accessory use: \$500.00;
  - (f) Discretionary Ancillary Use: \$500.00;
  - (g) Minor Variance: \$100.00
15. Application for Zoning Amendment: \$750.00.