# MUNICIPALITY OF HALL BEACH BY-LAW # 44 LAND ADMINISTRATION BY-LAW

A By-law of the Municipal Corporation of the Hamlet of Hall Beach in the Northwest Territories to provide for the administration of municipal lands, pursuant to the <u>Hamlet Act</u>, R.S.N.W.T., 1988, c. H-1, s. 132.2

WHEREAS the Council of the Municipal Corporation of the Hamlet of Hall Beach, dccms it to be desirable to establish a uniform process for the disposal of real property owned, leased or otherwise held by the Hamlet,

Now, THEREFORE the Municipal Corporation of the Hamlet of Hall Beach, at a duly assembled meeting, enacts as follows:

#### TITLE

1. This By-law may be cited as the "Land Administration By-law".

## INTERPRETATION

- 2. In this By-law:
  - A)"Council" means the Council of the Municipal Corporation of the Hamlet of Hal Beach,
  - B)"Development costs" means the costs directly incurred by the Municipality in developing land, including but not limited to, the costs of:
    - 1) planning and engineering design,
    - 2) project management,
    - 3) road construction,
    - 4) land fill,
    - 5) open spaces,
    - 6) piped water and sewer lines,
    - 7) electrical distribution lines and poles,
    - 8) legal surveys,
    - 9) land acquisitions and disposal costs,
    - 10) financing charges, including interest for any loans incurred in developing the land.
  - C)"Disposal of land" means the lease or other disposition of land,
- (D)"Land" means real property owned, leased, held or otherwise acquired by the Municipality,
- E)"Lots" means a parcel of land for which development costs have been incurred and which has been duly described or surveyed for the purpose of acquisition, lease or other disposition,
  - F)"Lot price" means the valuation of a lot,
- G)"Market value" means the value of a parcel of land based on the amount a willing buyer would pay to a willing seller. This value shall be determined by a professionally qualified appraiser or by public tender,
  - 11)"Minister" means the Minister of Municipal and Community Affairs,
- I)"Municipality" means the Municipal Corporation of the Hall Beach that is represented by the Senior Administrative Officer or his/her designate, except when decisions of Council are required,

J)"New lots" means vacant lots which are developed after the date of this By-law,

K)"Off-site levy" means a surcharge made at the time of lease execution by the

Municipality to the lessee of municipal lands to assist in the payment of all or part of the

capital costs of new or expanded infrastructure being leased, but of direct, through not

exclusive, benefit too the lessee,

M)"Site specific factor" means factors which may be used, where applicable, in adding or

subtracting up to 25% of the development costs of new lots or the replacement costs for

existing developed lots, which may be composed of:

1) size of land parcel,

2) site conditions,

3) desirability of location,

4) adjacent land uses,

5) proposed land use, and

the addition of site-specific factors for new lots shall not exceed development cost for

the entire subdivision.

## APPLICATION OF THE BY-LAW

3. This By-law shall, except as otherwise expressly authorised by the Minister, apply to all acquisitions, leases or other dispositions of lands by the Municipality.

#### PRECONDITIONS TO ACQUISITION AND DISPOSAL OF LANDS

- 4. Land speculation shall be discouraged.
- 5. Neither the Municipality or any authorised representative of the Municipality shall make or enter into any offer, agreement or other arrangement for the purchase, lease or other disposition of lands except by By-law in the form of Appendix A and B attached hereto, and each such By-law shall contain:
  - A) A complete legal description of the lands to be acquired, leased or otherwise disposed of
  - B) The minimum consideration to be paid for the acquisition, lease or other disposition of the lands, and
  - C) The terms and conditions, if any, upon which the lands shall be acquired, leased or otherwise disposed of.
- 6. No By-law for the acquisition, lease or other disposition of land, shall be passed pursuant to Section 132.2(4) or 132.2(5) of the Hamlets Act, until:
  - A) It has been established through a search at the appropriate Land Registry Office, that the Municipality may lawfully acquire, lease or otherwise dispose of the land,
  - B) An inspection of the land has been conducted to determine:
    - 1) If the lands are occupied,
    - 2) If there are any improvements situated on the land,
    - 3) If there are any easements affecting the lands, and

- 4) Such other information as Council may, in its discretion, consider to be relevant.
- C) The Senior Administrative Officer has advised Council as to the value of the lands and any improvements situated thereon and that the proposed use of the lands shall comply with the Zoning By-law or Land Use Plan in effect in the community.

#### ADVERTISING OF LAND FOR DISPOSAL

- 7. A) Subject to subsection 7 C), the Municipality shall not lease or otherwise dispose of any lands until it has published a notice of such proposed lease or other disposition:
  - 1) By advertisement for two(2) consecutive weeks in a newspaper having weekly circulation in the Municipality, or
  - 2) By notices posted in three(3) prominent places in the Municipality for a period of two(2) weeks
  - B) Each advertisement shall contain:
    - 1) A sketch, drawn to scale, identifying the size and location of the lands to be leased or otherwise disposed of,
    - 2) The minimum consideration for which the lands will be leased or otherwise disposed of,
    - 3) An indication as to the method to be employed in leasing or otherwise disposing of the lands, and
    - 4) An indication as to where and when applicants may obtain application forms.

## C)Subsection 7 A) and 7 B) shall not apply to:

- 1) Lands required by the Federal or Territorial Government,
- 2) Lands which can only be of use to an adjoining lessee,
- 3) Additional adjacent lands required for expansion of a lessee's existing or proposed development.
- 8. The:Municipality shall re-advertise for lease or other disposition of land for which:
  - A) An application has been made by withdrawn b the applicant after acceptance by the Municipality,
  - B) A lease has been granted but terminated prior to the construction of any improvements on the lands, or
  - C) Re-zoning has taken place and the land remains untenured.

#### APPLICATIONS FOR LAND

- 9. The Municipality shall only accept a written application for land in the form of appendix C. The form shall contain, by not be limited to:
  - A) The legal name of the applicant or applicants,
    - B) The legal description of the land,
    - C) The purpose for which the land is to be used,
    - D) A request, if applicable, for joint tenancy-in-common,
    - E) The signature of the applicant or applicants, and

, F) A non-refundable application fee, G) Declaration of residency, if required. 10. The Municipality shall keep a ledger of all lands containing: A) A full legal description of the lands, B) The location of the lands within the Municipality, C) A valuation of the lands for the purpose of lease or other disposition, D) The terms and conditions upon which the lands may be leased or otherwise disposed of, and E) An indication of whether the lands have been leased otherwise disposed of, or whether there is a pending lease or other disposition of the land. 11. The ledger kept pursuant to Section 9 of this By-law shall be open to inspection by the public at the Municipal office during normal business hours. TERMS AND CONDITIONS OF LAND DISPOSALS 12. A) The standard term of all lease documents shall be: 1) 30 years for residential land use, 2) 50 years for commercial land use. B) The term of leases referred to in Section 12 A) may be varied at Council's discretion based on the nature and value of improvements to be constructed. D) The term of all other leases of all other leases will be at Council's discretion. 13. The Municipality, in the leasing or otherwise disposing of new lots for residential purposes, shall ensure that prospective private home owners have preference over lessees who wish to acquire more than one(1) lot at a time, except when lots are required by: A) The Federal or Territorial Government, B) The Northwest Territories Housing Corporation or their clients, or C) The Canada Mortgage and Housing Corporation. 14. Every disposal of land shall be in writing. 15. The Municipality, in leasing or otherwise disposing of new lots, shall require that commencement of construction must begin within twelve(12) months of the effective date of the lease and improvements must be completed within twenty four (24) months of the date of the agreement. The Municipality may cancel a lease for failure to complete construction of the building or other improvements within the time required. Subject to Section 16, if construction is not completed within twenty four(24) months, the land may revert back to the Municipality. 16. The Municipality may allow a maximum extension of twelve(12) months to either term outlined is Section 15. The following may be required prior to consideration by Council: A) A written explanation for the delay in construction, B) a written plan to complete construction within the extension period, C) Proof of approved financing,

D) Development permit application, E) that there be no outstanding debts to the Municipality. 17. The Municipality shall not lease or otherwise dispose of new lots by auction. 18. The Municipality shall lease land by first-come-first-serve basis. PRICING OF NEW LOTS 19. The new lot price for any new lots shall be determined by development cost including any allowance for site-specific factors. 20. The Municipality shall recover development costs in the valuation of lands for disposal, subject to Section 21. 21. The Municipality may, when it is unable to lease or otherwise dispose of a lot, reduce the price of the lot below its development cost: A) When the lot has not been developed through financing from the Government of the Northwest Territories or a financing institution, or B) When the lot has been developed through financing from the Government of the Northwest Territories or a financing institution and the reduced land valuation is approved by the Minister. PRICING OF EXISTING LOTS 22. The Municipality, in leasing existing developed lands, shall determine lot price by either of the following: A) Replacement costs, or B) The market value as determined by: 1) A qualified land appraiser or assessor, or 2) A calling for bids, in which the advertised minimum price is not less than the replacement cost. LEASE RATES 23. The annual lease rental shall be as follows for the Commissioner's leases: 1) Residential \5% of lot price per annum, 2) Commercial \6\% of lot price per annum, 3) Industrial \7% of lot price per annum. 4) Other land uses, as decided by Council. A) Council may vary the lease rate for dispositions of land to non-profit organizations. 24. The Municipality may permit leases to accumulate value, through the issuance of equity leases, at terms and conditions to be approved by Council. 25. Effective on the third reading of this By-Law, all new lease made shall be in the form of an equity lease where the lessee pays 100% of development cost and \$1.00 per year for the term of the lease. OFF SITE LEVIES

- 26. When disposing of land, the Municipality may levy a surcharge to a lessee of lands to help pay for all or part of the Municipality's capital cost for all or any of the following:

  A) New or expanded facilities for the storage, transmission, treatment or supple of water,
  - B) New or expanded facilities for the treatment, movement or disposal of sewage,
  - C) New or expanded storm sewer drainage facilities.
  - D) New or expanded roadways or sidewalks, and
  - E) Land required for, or in connection with, any of the facilities described in A) B) C) and D).
- 27. The Municipality shall not include, as part of any off-site levy, any costs paid for by grants or contributions received from the Government of the Northwest Territories.
- 28. The Municipality shall clearly identify to the public that any off-site levy is a separate surcharge above the lot price, which is collected together with the lot price.
- 29. The Municipality shall place all off-site levy revenues in a separate account, to be used for the purpose set out in Section30.

#### LAND DEVELOPMENT RESERVE ACCOUNT

- 30. The Municipality shall open and maintain a separate financial account in which all revenue obtained from the leasing or otherwise disposing of lands, including off-site levies, will be placed.
- 31. The Municipality shall, in regards to the account identified in Section 30:
  - A) Establish clear procedures for the management and operation of the account,
  - B) Use all expenditures from the account for the sole purpose of acquiring and/or developing land by the Municipality, unless written approval by the Minister is obtained for other types of expenditures.

#### PRIVATE SECTOR DEVELOPMENT OF LANDS

- 32. The Municipality shall encourage the utilisation of the private sector in the development of lands only if:
  - A) The Municipality has prepared a cost estimate of the project as if it were to develop the land, and
  - B) The private sector can develop the land such that the lot price is the same as, or less than, the Municipality would charge under its estimate in Section 31 A).
- 33. If in the opinion of the Municipality, the private sector can develop the lands in a cost-effective manner as outlined in Section31, the Municipality shall call for proposals.
- 34. The Municipality, in disposing of vacant lots to a private developer, shall:
  - A) Do so by the way of a lease to which is subdivision agreement may be attached,
  - B) Require the developer to establish a land disposal procedure that is consistent with this By-law,
  - C) Require the developer to provide a list of the lot prices of the lots to be developed,
  - D) Specify, in the lease, the standards to which the land must be developed, and

E) Specify, in the lease, that in cases for non-performance with regard to 34 Λ), B) orC) above, the lease will be cancelled.

#### **EASEMENTS**

35. The Municipality may, in the public interest, establish easements through, under or over any portion of the land for any public utility purposes, but the said easement shall not interfere with the rights granted to the lessee, or any improvements made by the lessee on the land.

## LEASE ASSIGNEMENTS (TRANFERS)

- 36. Assignments may be granted subject to the following:
  - A) Annual lease rental owing to the Municipality must be paid in full,
  - B) Any taxes owing to the Government of the Northwest Territories must be paid in full,
  - C) Proof of ownership of improvements,
  - D) Satisfactory completion of improvements.

#### LEASE SURRENDERS

- 37. Surrenders may be granted subject to the following:
  - A) Annual lease rental owing to the Municipality must be paid in full,
  - B) Any taxes owing to the Government of the Northwest Territories must be paid in full,
  - C) The lessee must remove all improvements from the land and return the lot in a state satisfactory to the Municipality,
  - D) The lessee must deliver up to the Municipality the duplicate leasehold title where one exists.

#### CANCELLATION OF LEASE

- 38. If the Municipality cancels a lease due to non-compliance with any terms and condition of a lease..
  - A) Where there is a debt owed to the Municipality, the Municipality may seek an order to retain the right to any improvements upon the leased lands.
  - B) Where there is no debt owed to the Municipality, the lessee shall remove any improvements and restore the site within ninety(90) days. Failing, which then the Municipality may seek an order allowing for the removal of the improvements, and
  - C) Where the duplicate Lease hold Title for the lands has not been surrendered in accordance to the Land-titles Act, the Municipality shall seek an order cancelling the Lease-hold Title.

## **QUARRIES**

- 39. The Municipality may issue quarry permits for the temporary use of a quarry site.
  - A) Application for a quarry permit shall be in the form of Appendix "E".
  - B) Prior to the issuance of a quarry permit, the Municipality shall, by Council resolution, establish quarry fees and any exemptions to such fees.

- 40. The Municipality may issue land use permits for the temporary use of land.
  - A) The temporary land uses for which a permit is required are set out in Appendix "F".
  - B) Application for a land use permit shall be in the form of Appendix "G".
  - C) Any environmental impacts of the proposed use must be addressed by the applicant to the satisfaction of the Municipality prior to the issuance of a permit.

### BY-LAW ADMINISTRATION

- 41. Council may, by resolution, adopt standard forms of agreement for the administration of land, and the Municipality may make minor changes not affecting the intent of these forms of agreement as may be necessary for such administration.
- 42. The following appendices shall form part of this By-law:

Appendix "A" Land Acquisition By-law

Appendix "B" Land Disposal By-law (Lease)

Appendix "C" Land Application Form

Appendix "D" Guidelines for Proposal Calls

Appendix "E" Quarry Application Form

Appendix "F" Land Use Operations

Appendix "G" Application for Land Use Permit

43. Minor changes to the Appendices of this By-law can be made by Council, without amending this By-law, provided the changes to the Appendices do not alter the intent of this By-law.

Read a first time this	19 day of Tanuacy	, 19 <u>78</u>
JUL BREEK	ERK.	In Mart
Mayor		Senior Administrative Officer
	his 26 day of August	19 98 Res 17/ant
Mayor		Senior Administrative Officer
Approved by the Minthis 24 day of	nister of the Municipal and Co Harch	
Minister of Municipal ar	nd Community Affairs	
Read a third and fina	I time this (16) day of	July Jan Mant
Mayor		Senior Administrative Officer

## HAMLET OF HALL BEACH LAND ADMINISTRATION BY-LAW

## APPENDIX "B"

A By-law of the Municipal Corporation of the Hamlet of Hall Beach in the Northwest Territories to dispose of real property, pursuant to the Hamlets Act, R.S.N.W.T. 1988, c. H-1, s. 132.2

WHEREAS, the Council of the Hamlet of Hall Beach deems it to be in the public interest to dispose of the land described hereunder,

Now, THEREFORE, the Council of the Hamlet of Hall Beach, at a duly assembled meeting, enacts as follows:

the Northy	west Territories acc	ording to a pl	( ) in the Har an of survey filed in t	he Land Titles Offic
for the No	the Hamlet of Hall	Reach under	er Certificate Title num	, which is
be leased.	the Hannet of Han	Deach under	Ceruncate Tide num	DE1
the Hamle		xecute a lease	Officer are hereby auth for those lots describe	
Read a	first time this	day of		, 19
•				
Mayor			Senior Administrativ	ve Officer
	,			• .
Read a	second time this_	day of		, 19
		• •	•	
e e e e e e e e e e e e e e e e e e e				
Mayor			Senior Administrativ	e Officer
	· •			
Read a third to	ime and finally pas	sed this	day of	, 19
		•		
·				:
Mayor			Senior Administrativ	e Officer

# APPLICATION FORM FOR LAND IN THE HAMLET OF HALL BEACH

APPENDIX "C"

1. Applicant,		
Mr. Mrs. Ms. Miss. Occupation		19+? Yes No_
AddressHall Beach Nunavut XOA OKO	Telephone #, Home Work	
Spouse,		
Mr. Mrs. Ms. Miss. Occupation	Employer_	19+? YesNo_
Address Hall Beach Nunavut XOA OKO	Telephone #, Home Work	
2. The undersigned hereby make an	application to	the land described as follows:
Lot # Plan # Nunavut (IF IT IS NOT SURVEYED, I LAND YOU WISH TO APPLY FOR)  If there is more than one(1) application of the survey in the survey	PLEASE INCLUDE A SKETCH Tant, indicate whether you wa	TO SHOW THE LOCATION OF THE
3. The land will be used for:  ResidentialCommercial	Industrial or Other	If other, please specify below:
4. Are there any buildings or improve If there are any, are you going to re  The existing buildings or improve and are described as follows:	emove it?	Yes No
Name of owner of existing building	gs or improvements	
t If the buildings or improvements are to re  5. If the applicant\s plan to construct he\she\they has to submit to the Fir	emain on the lot, please attach proo buildings and or other impro	of of ownership.)  overnents on the land\s,
A) All buildings on\around the land B) Floor plans, C) Heating and safety systems for p D) Material for construction\s.	-	
Should the Municipality or Health a their review, it is the applicants response	• •	cant to submit the same for
6. The undersigned agree to construct building standards and local By-law	vs:	
Estimated value of improvement, \$ Estimated construction time require		
Estimated construction time require	:d,	months.
7. The Municipal Corporation has the	right to enter upon the said I	and for public interest and

safety, such as installing and/or maintaining public utilities.

8. All rights to Municipal Lands exclude:	
A) All mines and minerals on the land whether the minerals are solid, liquid or gaseous and are found to be within, upon or under the land for which the applicant is applying for.	
B) The rights of the recorded holders of mineral claims and any other claims or permits affecting the land.	Ä,
9. This application will not be considered unless accompanied by a deposit of and a plot plan of proposed improvements.	
10. The submission of this application and payment of the deposit do not in themselves convey any right to the land.	
11. If this application is refused by Council, the deposit will not be refunded. If the application is approved but the applicant fails to execute or comply with the terms, the deposit is forfeited.	
12. The failure to comply with any terms and conditions of the lease will be grounds for the cancellation of the said instrument.	
13. The undersigned certify that he\she\they have read and understood the terms and conditions listed on this form and are in complete agreement with them.	

14. The undersigned certify that the information he\she\they have given in this application

Signature of Co-applicant

Date

Date

is true and correct.

Signature of Applicant

## Municipality of Hall Beach GUIDELINES FOR PROPOSAL CALLS PROPOSAL CALL/TENDER SYSTEM APPENDIX "D"

This system is usually employed for lease, or other disposition of commercial and industrial lots and takes the following form:

A set price is established for such lots and applicants submit with their applications a proposal which sets out the types of improvements that the applicant proposes to construct or make on the lots and an indication as to the type of bussiness, industry or undertaking which the applicant proposes to conduct on the lots. The successful applicant is usually determined by the municipality on the basis of the best proposal submitted.

The advertisement printed in connection with the Proposal Call should include, in addition to those items identified in the Land Administration By-Law, the following:

- a) The last date and time for the submission of applications;
- b) The time, date, and place at which the Municipality will announce the successful application;
- c) The criteria to be employed by the Municipality in selecting the successful application;
- d) A request for documents or information which will be required by the Municipality in support of applications (estimated costs of construction, drawings, specifications, etc.);
- e) A request for any deposit that is required;
- f) The terms and conditions of the Lease which the successful applicant will be required to enter into;
- g) Building standards which must be employed in the construction of improvements;
- h) The amounts of any bonds that the successful applicant may be required to pay the Municipality to guarantee the completion of the construction of improvements.

# Municipality of Hall Beach APPLICATION FOR QUARRY PERMIT APPENDIX "E"

1. Name in full :	<del>v </del>		
<del></del>			en de la compania de
Address:			
		•	
Occupation :	<del>,</del>		
***************************************	· ,		
2. Does hereby apply for a quarry p	armit for the n	urnaga of taking	~
	erititior the p	tvne o	f gravel) from the la
cubic metres ofindicated on a sketch or described	l as follows :	(J) P = 0	6-4
Sketch:			<b>V</b>
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			***
Gravel to be used for :		_	
Graver to be used for :	····	•	
Method to be used to transport quarry	material :		•
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			· · · · · · · · · · · · · · · · · · ·
		2 7/20	NO
Are you using a subcontractor to quarry		or you? YES	NO
If yes, please indicate the name of the s			
	TT		
	Fig. 1		
Permit fee:		Flat rate :	\$50.00
Royalties:	•		c metre : \$
Restoration fee:			c metre : \$
Road maintenance fee:		25¢ per cubi	c metre : \$
Quarry administration fee:		50¢ per cubi	c metre : \$
		•	
Total fees due :	•	7	\$
		•	
•	•		
Date	*		
	Siana	ture of applica	nf

# Municipality of Hall Beach LAND USE OPERATIONS APPENDIX "F"

Operations for which a land use permit is required include:

- 1. The use of any form of explosive.
- 2. The use, except on public roads or trails maintained wholly or in part by public funds, of any vehicle that exceeds 4500 Kgs. (10,000 lbs) net vehicle weight, or the us of any vehicle of any weight that exerts pressure on the ground in excess of 35 Kpa, (5 lbs per square inch).
- 3. The use of any self propelled power driven machine for moving earth or clearing land, (excluding quarrying).
- 4. The use of any power driven machinery for earth drilling purposes, the operating weight of which exceeds 450 kgs (1000 lbs).
- 5. The establishment of any campsite that is to be used in excess of 50 man days.
- 6. The levelling, grading, clearing or cutting of any line trail or right-of-way exceeding 2 metres in width (6 feet).
- 7. The establishment of any petroleum cache in excess of 1300 litres (300 gallons).
- 8. Any other use where the Municipality deems necessary.

# Municipality of Hall Beach APPLICATION FOR LAND USE PERMIT APPENDIX "G"

Time schedule: A) Start: B) Completion: C) Name and address D) Number of employ	s of feild superc	visor :			
Time schedule :  A) Start :  B) Completion :  C) Name and address	s of feild superc	visor:			
Time schedule :  A) Start :  B) Completion :  C) Name and address	s of feild superc	oisor:			
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B) Method of empty	ing and filling	containers	:		
A) Type, volume, n	iethod of storng	ge containn	neni :		•
. Fuel :			•		
	* *** ********************************				· · · · · · · · · · · · · · · · · · ·
. Equipment : Type, size		·			•
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A) Attach a descrip		sed teclinii	ques,		
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Address of head office					
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