

**TOWN OF COALHURST
BYLAW NO. 360-12
PROVINCE OF ALBERTA**

OFF-SITE LEVY

**A BYLAW OF THE TOWN OF COALHURST IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF:**

1. Providing for the imposition of a levy, to be known as an “off-site levy”, in respect of land that is to be developed or subdivided; and
2. Authorizing agreements to be entered into in respect of the payment of the levy; and
3. Setting out the object of each levy; and
4. Indicating how each amount of the levy was determined.

WHEREAS Sections 648 and 649 of the Municipal Government Act, Chapter M-26 R.S.A. 2000, provides that the Council of a municipality may pass a Bylaw establishing an off-site levy;

WHEREAS Council for the Town of Coalhurst deems it desirable to establish an off-site levy for the purposes described in the Act;

WHEREAS Council engaged the engineering firm of MPE Engineering Ltd. to prepare the fair and equitable calculation of off-site levies in accordance with the purposes of the Act;

WHEREAS Council wishes to enact a Bylaw to impose and provide for the payment of off-site levies; to authorize agreements to be entered into in respect of payment of off-site levies; to set out the object of each levy; and to indicate how the amount of each levy was determined;

NOW THEREFORE the Municipal Council for the Town of Coalhurst, duly assembled, enacts as follows:

1. PURPOSE AND INTENT

This Bylaw is intended to:

- i. impose and provide for the payment of a levy to be known as an off-site levy in respect of land that is to be subdivided or developed in the Town of Coalhurst;
- ii. authorize agreements to be entered into in respect of payment of a levy;
- iii. set out the objects of each levy; and
- iv. indicate how the amount of the levy was determined.

2. DEFINITIONS

In this Bylaw:

- i. "ACT" shall mean the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26;
- ii. "C.A.O." shall mean the Chief Administrative Officer of the Municipality or his authorized representative, subordinates or assistants;
- iii. "DEVELOPMENT" has the same meaning as provided for in the Act;
- iv. "Ha" means a hectare of land, which is 10,000 square meters;
- v. "ACRE" means one acre in the imperial measurement system;
- vi. "OFF-SITE LEVY" means the levy imposed and created by this Bylaw;
- vii. "SUBDIVISION" has the same meaning as provided for in the Act.

3. ADMINISTRATION AND ENFORCEMENT

Council hereby delegates to the Chief Administrative Officer the duty and authority to enforce and administer this Bylaw.

4. DIVISION INTO AREAS

For the purposes of imposing an off-site levy in accordance with the Act, the Town is hereby divided into categories for the purpose of calculating off-site levies. These categories are outlined as follows:

- i. Residential/Commercial/Institutional/Business Industrial

5. IMPOSITION OF LEVY

- a. The levies are imposed, in accordance with the following:

<u>Area</u>	<u>Cost</u>
i. Residential/Commercial/Institutional/ Business Industrial	\$96,000/ha - 2013
	\$96,000/ha - 2014
	\$106,000/ha - 2015
	\$116,000/ha - 2016
	\$126,000/ha - 2017

- b. Payment of Levies:

- i. 50% of the Levy is payable upon signing of the Development Agreement.
- ii. The remaining 50% shall be paid by December 31 of the same calendar year.

6. AUTHORITY TO ENTER INTO AGREEMENT

Council hereby delegates the C.A.O., the Authority to enter into, and execute on behalf of the municipality, a written agreement with the owner of the land that is to be developed or subdivided providing for the payment of the levies imposed by this Bylaw. This Bylaw also expressly delegates the authority to the C.A.O. to vary or waive the payment of off-site levies imposed by this Bylaw with prior approval for such varying or waiver being established by Council by way of a resolution.

7. OBJECT OF THE LEVIES

The object of the off-site levies is to reimburse the municipality, the costs associated with the construction of the following:

- a) new or expanded facilities for the storage, transmission, treatment or supplying of water;
- b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- c) new or expanded storm sewer drainage facilities;
- d) new or expanded roads required for or impacted by a subdivision or development;
- e) land required for or in connection with any facilities described in clauses a) to d).

8. DETERMINATION OF THE LEVIES

The levies of this Bylaw were determined in accordance with the calculations as prepared by MPE Engineering Ltd., see (Schedule A).

9. Bylaw No. 328-07 is hereby repealed

10. ENACTMENT

This Bylaw shall take effect and come into force upon the date of final reading thereof.

READ A FIRST TIME THIS 18TH DAY OF DECEMBER, A.D. 2012

READ A SECOND TIME, AS AMENDED, THIS 29TH DAY OF JANUARY, A.D. 2013

READ A THIRD TIME AND FINALLY PASSED THIS 29TH DAY OF JANUARY, A.D. 2013

MAYOR

CHIEF ADMINISTRATIVE OFFICER