

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 778, 2009

THIS BEING a Bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to authorize a levy of Off-site costs on Lands within the Municipality proposed for Subdivision, Development and Redevelopment.

WHEREAS new residential, commercial and industrial sites within the Municipality have required and will continue to require new construction or expansion of certain municipal facilities, or land in connection with such facilities;

AND WHEREAS it is deemed just and reasonable that Subdivisions, Developments and Redevelopment's should bear a fair portion of the cost of constructing or expanding such facilities;

NOW THEREFORE the Council of the Municipality of Crowsnest Pass, duly assembled, and under the authority of the Municipal Government Act, Revised S.A. 2000, c. M-26, as amended; HEREBY enacts as follows:

1. This Bylaw shall be known and referred to as the "Off-Site Levy Bylaw".
2. For the purposes of this Bylaw the following definitions apply:
 - (a) "Chief Administrative Officer" means the Chief Administrative Officer of the Municipality of Crowsnest Pass as defined in the Municipal Government Act, s. 1(c)
 - (b) "Development" means "Development" as defined in the Municipal Government Act s. 616, as amended;
 - (c) "Levy" means the off site levy imposed pursuant to this Bylaw under the authority of the Municipal Government Act;
 - (e) "Subdivision" means "Subdivision" as defined in the Municipal Government Act s. 616, as amended;
 - (g) "Municipality" means the municipal corporation of the Municipality of Crowsnest Pass or, where the context permits, the geographical area thereof;
 - (h) "Engineer" means Stantec Consulting, Ltd. of Lethbridge, Alberta
 - (i) "Engineering Report" means the Crowsnest Pass Off-Site Levy Report prepared for the Municipality of Crowsnest Pass by Stantec Consulting, Ltd., and dated March 31, 2009.
3. The object of this Bylaw shall be the collection of funds to pay for the capital cost of the following:
 - (a) new or expanded facilities for the storage, transmission, treatment or supply of water;
 - (b) new or expended facilities for the treatment, movement or disposal of sanitary sewage;
 - (c) the construction of storm sewer drainage facilities; and
 - (d) the acquisition of lands in connection therewith.

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4. A Levy shall be imposed upon the following lands:
 - (a) All lands within the Municipality upon which Development takes place after the date of passing of the within Bylaw, or;
 - (b) All lands within the Municipality for which Subdivision approval is obtained after the date of passing of the within Bylaw.

(the “Lands”) except as otherwise specified in this Bylaw.
5. The Levy is hereby established and imposed on a Development or Subdivision on the basis of the assessment calculations, prepared by the Engineer on a community-by-community basis, attached As Schedule A to this Bylaw.
6. The Levy imposed pursuant to Paragraph 5 herein shall be paid upon the issuance of a Building Permit in respect of the Lands.
7. Where the Municipality deems it appropriate, it may direct that an Agreement be entered into with the Owner or Occupier of the Lands, which agreement shall provide for the payment of Levies imposed as specified pursuant to this Bylaw.
8. All funds collected pursuant to this Bylaw herein shall be accounted for in a special fund and expended only as permitted under the provisions of the Municipal Government Act.
9. Subject to Sections 10, And 11, where prior to the passage of this Bylaw and Agreement making provision for the payment of Levies pursuant to a former Bylaw has been entered into between the Municipality and the Owner or Occupier of the Land subject to Development or Subdivision, or Levies were imposed on the Lands and collected as a result of the operation of the then existing Off-site Levy Bylaw, the provision of the Off-site Levy Bylaw which established the amount of the Levy shall continue in force as if this Bylaw or any intervening Off-site Levy Bylaw had not been enacted.
10. Where a Development or Subdivision is to be completed in multiple stages, the Levy applicable to each stage subsequent to the first stage shall be calculated on the basis of the Off-site Levy Bylaw in force at the time the subsequent stage of Development or Subdivision is commenced.
11. Nothing in this Bylaw precludes the Municipality from:
 - a) imposing further or different Levies, duly enacted by Bylaw, on any portion of the Development Area in respect of which the Municipality has not collected Levies imposed under this Bylaw or any previous Off-site Levy Bylaw authorized by statute;
 - b) deferring collection of Levies for the stated objects of this Bylaw, on any portion of the Development Area in respect of which the Municipality has not collected Levies;
 - c) reducing or forgiving payment of the Levies required pursuant to this Bylaw;
12. Council hereby delegates to the Chief Administrative Office the duty and authority to enforce and administer this bylaw.

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13. That Bylaw 524 and any amendments thereto is hereby repealed.
14. This Bylaw shall take effect and come into force as of the date of the Final reading thereof.

Read a first time this 5th day of May 2009,

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Read a second time this 19th day of May, 2009.

Read a third time and finally passed this 19th day of May, 2009.

MAYOR

CHIEF ADMINISTRATIVE OFFICER