

**TOWN OF BON ACCORD
THE OFFSITE LEVY BYLAW
BYLAW 2008-02**

A BYLAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF:

1. PROVIDING FOR THE IMPOSITION OF A LEVY, TO BE KNOWN AS AN “OFFSITE LEVY”, IN RESPECT TO 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.
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WHEREAS, in accordance with the Municipal Government Act, Revised Statutes of Alberta, 2000 C.M-6, the Municipal Council of the Town of Bon Accord has the power to pass a bylaw under this or any other enactment including the power to amend or repeal a bylaw; and

WHEREAS, as the Council of the Town of Bon Accord requires an expenditure for water transmission and storage facilities; an expenditure for sanitary sewage movement and disposal facilities; arterial roadways and expenditure for storm sewer drainage facilities; and land required or in connection with any facilities, as mentioned above, because of the potential growth that may occur in the Town of Bon Accord;

WHEREAS, Section 648, as amended, of the Municipal Government Act of Alberta, provides for an Offsite Levy Bylaw; and

WHEREAS, Section 650 authorizes the Development Approving Authority of a municipality to require, as a condition of subdivision approval, for the applicant to enter into an agreement with Council to pay an offsite levy imposed by bylaw;

WHEREAS, Council of the Town of Bon Accord deems it desirable to establish an offsite levy for the purposes described in the Act;

NOW THEREFORE, the Council of the Town of Bon Accord, in the Province of Alberta, duly assembled hereby enacts as follows:

1. PURPOSE AND INTENT

This Bylaw is intended to:

- a) impose and provide for the payment of a levy to be known as an offsite levy in respect to land that is to be subdivided or developed in the Town of Bon Accord; and
- b) authorize agreements to be entered into in respect of payment of a levy; and
- c) specify the object of each levy; and
- d) indicate how the amount of the levy was determined

2. INTERPRETATION

In this Bylaw:

- a) “**Act**” shall mean the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26;

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- b) **“CAO”** shall mean the Chief Administrative Officer of the Town of Bon Accord, or his/her authorized representatives, subordinates, or assistants;
- c) **“Development”** means the same definition as set out in the Municipal Government Act and shall include any building or works that may necessitate Municipal Services;
- d) **“Dwelling, Dwelling Unit, Residential, Semi-Detached, Duplex, Medium Density Residential, High Density Residential, Commercial, Industrial, Institutional and Suite”** shall have the same meaning as defined in the current Land Use Bylaw of the Town of Bon Accord, as amended;
- e) **“Gross Floor Area”** has the same meaning as provided for in the Town of Bon Accord Land Use Bylaw, as amended;
- f) **“Infrastructure”** means any one of the following general features:
- i. Water treatment plant, storage reservoirs, pumping stations, transmission lines, and appurtenances thereto;
 - ii. Waste Water Treatment plant, storage facilities, lift stations, transmission lines, and appurtenances thereto;
 - iii. Storm Water Sewer storage facilities, pumping stations, transmission lines and appurtenances thereto;
 - iv. Highways, Arterial and Primary collector roads as defined in the Town of Bon Accord Transportation Plan; and
- includes all infrastructure identified in the attached Schedules to this Bylaw.
- g) **“Lot”** shall have the same meaning as “parcel”;
- h) **“Ha” or “ha”** means a hectare of land, which is 10,000 square meters;
- i) **“Municipal Services”** means to all or any of the works that may be undertaken by the Town pursuant to the Municipal Government Act that provides service directly or indirectly to the land being developed;
- j) **“Offsite Levy”** means those fees and charges imposed to provide for the infrastructure; or land required for or in the commission with any infrastructure as mentioned above as outlined in Schedule “A” attached to this Bylaw;
- k) **“Offsite Levy Fund”** means a fund maintained on an account showing deposits to and withdrawals from, and separate from the General Account or any other municipal accounts;
- l) **“Parcel”** has the same meaning as provided for the act;
- m) **“Square Metre”** means an area that is equivalent to a square one metre on each side;
- n) **“Subdivision”** has the same meaning as provided for in the Act;

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- o) **“Undeveloped Land”** does not include that part of land in receipt of municipal services, which may presently be in operation and which services may have had prior funding through offsite levy contributions;
- p) **“Utilities”** means any one or more of the following:
 - i. facilities for the storage, transmission, distribution, or supply of water;
 - ii. facilities for the collection, movement, or disposal of sanitary sewage;
 - iii. storm sewer drainage facilities.

3. ADMINISTRATION AND ENFORCEMENT

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

4. ENACTMENT

- a) “an offsite levy” as provided for in the Act, as amended, is hereby imposed on all undeveloped land that is to be developed or subdivided for residential, commercial, industrial, institutional or other uses or purposes, at terms and rates specified in this Bylaw;
- b) the Council of the Town of Bon Accord is hereby authorized to enter into agreements with owners or purchasers of that land for the provision of municipal services to the land and for the payment of the offsite levy imposed by this bylaw on the land;
- c) in addition to the collection of levies imposed by this Bylaw, the Council of the Town of Bon Accord is hereby authorized to enter into agreements with owners or purchasers of that land for the provision of additional municipal services to the land and for the payment of a levy imposed on the land by agreement to reimburse the municipality as a condition of subdivision approval;
- d) the Town of Bon Accord or its agent shall provide to the owner or purchaser a notice of the Offsite levy prior to entering into any agreement;
- e) all offsite levies imposed by this bylaw are due and payable at the time specified in the agreement for provision of municipal services, either prior to the registration of the plan of subdivision or at the time of issuance of a development permit on any development within the subdivision area, if the agreement so specifies;

5. OBJECT TO THE LEVIES

The object of the offsite levies is to reimburse the municipality for the costs associated with the construction of the following generally:

- a) new or expanded facilities for the storage, transmission or supply of water;
- b) new or expanded facilities for the storage, movement or disposal of sanitary sewage;
- c) new or expanded storm sewer drainage facilities;

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- d) new or expanded arterial roadways;
- e) land required for or in connection with any facilities described in clauses a. to c.

6. PENALTIES

Where the owner or purchaser fails, neglects or refuses to pay the offsite levy imposed on his/her land, the Town of Bon Accord;

- a) may cause the levy to be added to the tax roll as a charge against the lands of the owner or purchaser concerned as taxes and with the same priority as to lien and to payment thereof as is in the case of ordinary municipal taxes; or
- b) may refuse to register a subdivision until the owner or purchaser has entered into the agreement to pay, or has paid the levy.

7. OFFSITE LEVY FUND

The Chief Administrative Officer of the Town of Bon Accord, shall hereby set up and maintain this fund separate from the General Account or any other municipal account; and it is hereby enacted;

- a) all monies collected under this bylaw must be credited to a separate and distinct, identifiable offsite levy account;
- b) monies in this account may be invested.

8. IMPOSITION OF LEVY

The offsite levies are imposed in accordance with Schedule "B" to this bylaw, the unit of measurement being a parcel or lot, or as described in the schedule. Environmental reserve, municipal and/or school reserves and public utility lots are not subject to imposition of a levy or levies.

9. IMPOSITION OF LEVIES BASED ON BUILDING SIZE

At the discretion of the Chief Administrative Officer, the Development Officer of the Town of Bon Accord, in cases where a parcel has previously been created and an offsite levy has never been collected for that parcel, may charge an offsite levy based upon the size of the building to be erected on the parcel. An offsite levy charge of \$12.50 per square metre of the gross floor area, including all floors, may be imposed. Where charges are imposed on the basis of the Section, additional charges, based upon Section 8 of this bylaw shall not be imposed for the same development.

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READ A FIRST TIME THIS 1ST DAY OF **APRIL, 2008.**

Mayor Lindly VanDusen

Chief Administrative Officer Linda Zacharias

READ A SECOND TIME THIS 1ST DAY OF **APRIL, 2008**

Mayor Lindly VanDusen

Chief Administrative Officer Linda Zacharias

READ A THIRD TIME THIS 15th DAY OF **APRIL 2008**

Mayor Lindly VanDusen

Chief Administrative Officer Linda Zacharias

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**Schedule "A"
Specific Object of Offsite Levies**

Capital Project	Cost
Water: Expansion, Storage, Transmission, Supply	\$5,130,000
Sanitary Sewer: New or expanded facilities for movement, storage and disposal of	\$ 684,400
Arterial Roadways: New or expanded roads	\$4,541,000

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**Schedule "B"
Offsite Levy Rates – Table 1**

Per Lot:

WATER	SEWER	STORM	ARTERIAL ROADWAYS	TOTAL
\$2,120.00	\$285.00	0	\$1,875.00	\$4,280.00

These rates are per single detached and semi-detached residential lot, rates for other land uses are as shown in Table 2.

Offsite Levy Rates – Table 2

Land Use

Offsite Levy Rate

Residential Uses

- Duplex dwelling unity 2.00 times rate in Table 1
- Bed and breakfast per bedroom 0.35 times rate in Table 1
- Manufactured homes per unit 1.00 time rate in Table 1

Medium & High Density Residential Uses

- Bachelor or seniors suite or unit 0.35 times rate in Table 1
- One bedroom unit 0.70 times rate in Table 1
- Two bedroom unit 1.00 times rate in Table 1
- Three bedroom unit 1.00 times rate in Table 1

Commercial, Institutional, Industrial Uses

- Up to and including 20 mm nominal water service 1.00 times rate in Table 1 = 3/4"
- Up to and including 25 mm nominal water service 1.56 times rates in Table 1 = 1"
- Up to and including 40 mm nominal water service 4.00 times rate in Table 1 = 1 1/2"
- Up to and including 50 mm nominal water service 6.25 times rate in Table 1 = 2"
- Up to and including 100 mm nominal water service 25.00 times rate in Table 1 = 4"
- Up to and including 150 mm nominal water service 56.00 times rate in Table 1 = 6"
- Up to and including 200 mm nominal water service 100.00 times rate in Table 1 = 8"