

## **BYLAW NO. PI 5/08**

### **A BYLAW OF THE TOWN OF GIBBONS IN THE PROVINCE OF ALBERTA, TO ESTABLISH AND PROVIDE FOR OFF-SITE LEVIES**

**WHEREAS**, the Municipal Government Act, R.S.A. 2000, Chapter M-6, as amended, grants a municipality the authority to pass an Off-Site Levy Bylaw;

**AND WHEREAS**, Council deems it necessary to establish an Off-Site Levy to pay for the capital costs of new and expanding facilities for the storage and transmission of water, new and expanded facilities for the movement and disposal of sanitary sewage, in connection with these facilities that are required for lands to be subdivided or developed;

**AND WHEREAS**, Council deems it necessary to require agreements to be entered into with owners of lands that are to be subdivided or developed in respect of the payment of the Off-Site Levy;

**AND WHEREAS**, Section 648(1), of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, authorizes a Council to pass a bylaw to provide for the imposition of an Off-Site Levy in respect of land that is to be subdivided or developed and to authorize agreements to be entered into in respect of the payment of the Off-Site Levy;

**AND WHEREAS**, notice of intention to pass this Bylaw has been given and a public hearing has been held in accordance with the Act;

**THEREFORE**, the Council of the Town of Gibbons, in the Province of Alberta, in open meeting assembled, hereby enacts as follows:

#### **PART I: BYLAW TITLE**

1. This Bylaw may be cited as the "Off-Site Levy Bylaw".

#### **PART II: DEFINITIONS**

2. For the purposes of this Bylaw the following words will have the meanings assigned.

**"Act"** means the Municipal Government Act, R.S.A., 2000, C.M-26, as amended;

**"Council"** means the Council of the Town of Gibbons.

**"Subdivision Authority"** means the person(s) or body appointed by Council pursuant to Section 623(1) of the act.

**"Town"** means the Municipal Corporation of the Town of Gibbons.

### **PART III: APPLICATION**

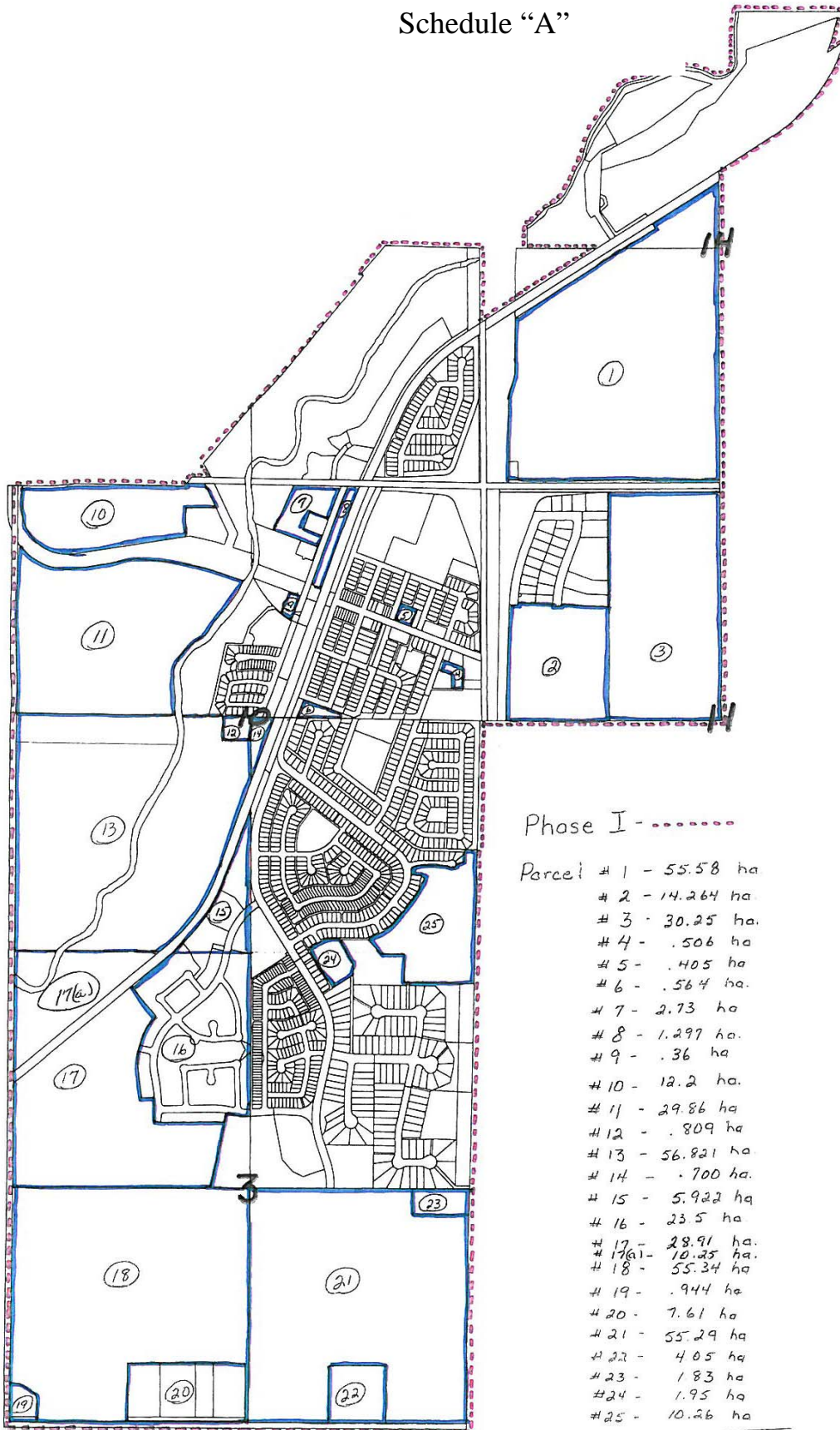
3. That the lands for which the Off-site levy shall be payable are shown as “Development Areas” on Schedule “A” attached hereto and forming part of this Bylaw.
4. That the off-site levy payable in respect to the lands to be subdivided or developed for Residential Commercial and Industrial purposes within each of the “Development Areas” shown on Schedule “A” hereof, shall be in accordance with Schedule “B” attached hereto and forming part of this Bylaw. The off-site levies are payable in relation to those projects set out in Schedule “C”, attached hereto and forming part of this Bylaw.
5. That Council may from time to time adopt policies or guidelines for the assistance and direction of Town Administration in determining which development and subdivision applications shall require a development agreement.
6. That where it is determined that a development agreement is appropriate for an application for development or subdivision, the applicant or owner, as the case may be, shall enter into a development agreement with the Town and such development agreement shall ensure:
  - a) that provision be made for the payment of the off-site levies as specified in this Bylaw, or
  - b) that provision may be made for the deferring of payment of the off-site levies to future time certain or uncertain, and
  - c) that no further off-site levies shall be required to be paid under development agreements where off-site levies have been previously collected in full in respect to all of the lands which are the subject of development or subdivision application.
7. That except as otherwise provided herein, each development agreement entered into by the Town with respect to any development or subdivision application shall make provision for payment of all off-site levies imposed by this Bylaw within the times specified by Town policy or guideline, as amended from time to time.
8. That in the event that any of the off-site levies imposed by this Bylaw are not paid at the time specified in the development agreement, the Town’s Financial Officer is hereby authorized to impose the unpaid sums of money on the lands that are subject to the development agreement, and thereafter collected the same as unpaid taxes in accordance with the provisions of the Act.

### **PART IV: TRANSITIONAL PROVISIONS**

9. Notwithstanding Part III, a Development Agreement approved by Council prior to the passing of this Bylaw is subject to the provision of the off-site levies established by Bylaw No. PI 2/06.



### Schedule "A"



Phase I - - - - -

- Parcel # 1 - 55.58 ha
- # 2 - 14.264 ha
- # 3 - 30.25 ha.
- # 4 - .506 ha
- # 5 - .405 ha
- # 6 - .564 ha.
- # 7 - 2.73 ha
- # 8 - 1.297 ha.
- # 9 - .36 ha
- # 10 - 12.2 ha.
- # 11 - 29.86 ha
- # 12 - .809 ha
- # 13 - 56.821 ha
- # 14 - .700 ha.
- # 15 - 5.922 ha
- # 16 - 23.5 ha
- # 17 - 28.91 ha.
- # 17(a) - 10.25 ha.
- # 18 - 55.34 ha
- # 19 - .944 ha
- # 20 - 7.61 ha
- # 21 - 55.29 ha
- # 22 - 4.05 ha
- # 23 - 1.83 ha
- # 24 - 1.95 ha
- # 25 - 10.26 ha

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412.202 ha.

### Schedule “B”

Off-Site Levy is charged on a gross per hectare basis.

<b>Area Ref. #</b>	<b>Water Charges</b>	<b>Sanitary Charges</b>	<b>Total</b>
1	\$6,793.00	\$14,749.00	\$21,542.00
2	\$6,793.00	\$14,749.00	\$21,542.00
3	\$6,793.00	\$14,749.00	\$21,542.00
4	\$6,793.00	\$30,781.00	\$37,574.00
5	\$6,793.00	\$30,781.00	\$37,574.00
6	\$6,793.00	\$30,781.00	\$37,574.00
7	\$6,793.00	\$30,781.00	\$37,574.00
8	\$6,793.00	\$30,781.00	\$37,574.00
9	\$6,793.00	\$30,781.00	\$37,574.00
10	\$6,793.00	\$30,781.00	\$37,574.00
11	\$6,793.00	\$30,781.00	\$37,574.00
12	\$6,793.00	\$30,781.00	\$37,574.00
13	\$6,793.00	\$30,781.00	\$37,574.00
14	\$6,793.00	\$30,781.00	\$37,574.00
15	\$6,793.00	\$30,781.00	\$37,574.00
16	\$6,793.00	\$30,781.00	\$37,574.00
17	\$10,397.00	\$30,781.00	\$41,178.00
17(a)	\$6,793.00	\$30,781.00	\$37,574.00
18	\$10,397.00	\$30,781.00	\$41,178.00
19	\$10,397.00	\$30,781.00	\$41,178.00
20	\$10,397.00	\$30,781.00	\$41,178.00
21	\$10,397.00	\$30,781.00	\$41,178.00
22	\$10,397.00	\$30,781.00	\$41,178.00
23	\$10,397.00	\$30,781.00	\$41,178.00
24	\$10,397.00	\$30,781.00	\$41,178.00
25	\$10,397.00	\$30,781.00	\$41,178.00

## Schedule "C"

Infrastructure Projects to which the Off-Site Levy charges collected under this Bylaw are to be applied.

### Water Infrastructure Projects

<b>Ref.</b>	<b>Project Name</b>	<b>Nature of Capital Work</b>
1.	Hwy 28A to 48 Ave. South	300 mm waterline looping
2.	Water Distribution Pumphouse Improvement	installation of new pumps
3.	Water Reservoir expansion	increase storage capacity

NOTE: Details of the above projects may be found in the Town of Gibbons Water and Sewer Assessment Study of 2006.

### Sanitary Wastewater Upgrading

<b>Ref.</b>	<b>Project Name</b>	<b>Nature of Capital Work</b>
1.	Trunk replacement – 51 St & 44 Ave to 53 Ave & 52 Street	replace & increase size of trunk
2.	Lift Station	construct lift station
3.	Force main from lift Stn. To Ind. Park	600 mm force main
4.	Gravity line – Ind. Park to CR Lift Station	750 mm gravity line
5.	Level of Service Storage	storage required in Gibbons

NOTE: Details of the above project may be found in the Town of Gibbons Water and Sewer Assessment Study of 2006.