

BYLAW NO. 1532

**OF THE TOWN OF WHITECOURT
PROVINCE OF ALBERTA**

A BYLAW BEING ENACTED FOR THE PURPOSE OF ESTABLISHING AN OFF-SITE LEVY FOR LAND THAT IS TO BE SUBDIVIDED OR DEVELOPED WITHIN THE TOWN OF WHITECOURT

WHEREAS the Municipal Government Act, RSA 2000, Chapter M-26 provides that a Council of a municipality may enact a bylaw to provide for the imposition and payment of Off-Site Levies in respect of lands that are to be developed or subdivided; and

WHEREAS, Council deems it necessary to establish an Off-Site Levy to pay for the capital costs of new and expanded water, sanitary sewer, and road facilities, and the land required in connection with these facilities; and

WHEREAS the Town of Whitecourt has engaged in consultation with the public and representatives of the development industry; and

WHEREAS the Town of Whitecourt has obtained an Off-Site Levy Rates Review Report prepared by Opus Stewart Weir Ltd. dated September 7, 2017 attached hereto and forming part of this bylaw to establish a fair and equitable calculation of Off-Site Levies in accordance with the purpose of the Act; and

WHEREAS Council has advertised its intention to pass this Bylaw pursuant to the requirements of the Act;

NOW THEREFORE under the authority of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, the Municipal Council of the Town of Whitecourt, in the Province of Alberta, duly assembled enacts as follows:

1. This bylaw may be cited as the "Off-Site Levy Bylaw."
2. In this Bylaw:
 - a) "Council" means the Municipal Council of the Town of Whitecourt;
 - b) "Development" means that as defined in the Municipal Government Act, R.S.A. 2000, c. M-26, S.616(b), as amended or replaced from time to time;
3. Off-Site Levies shall be collected prior to development.
4. Off-Site Levies shall be used to pay for the water, sanitary, and road infrastructure as listed in Tables 1, 2, and 3 of Appendix "A" of the Off-Site Levy Rates Review Report.
5. Off-Site Levies must be paid before any connection to municipal utilities is permitted.
6. Off-Site Levies shall be levied at the rates established by Council.
7. Council may from time to time adopt policies or guidelines for the assistance and direction of the Town of Whitecourt Administration in determining how to collect, utilize, and manage Off-Site Levies.
8. The Off-Site Levy rates shall be reviewed once every five years, or at an earlier stage if deemed necessary by Council.
9. In the event that any provision of this Bylaw is found to be contrary to law by any Court of competent jurisdiction, then the same shall be severed and the remainder of this Bylaw shall remain in full force and effect.
10. Where a Development Permit that establishes provisions for the payment of Off-Site Levies was issued prior to the date that this Bylaw comes into effect, the provisions of the Off-Site Bylaw which established the amount of the Off-Site Levy shall continue in force as if this Bylaw or any intervening Off-Site Levy Bylaw had not been enacted unless otherwise specified in a Development Agreement.
11. On or before June 30 in each calendar year the Chief Administrative Officer, or assigned designate, shall submit to Council, an annual Off-Site Levy Report pursuant to this bylaw identifying:
 - a) Projects constructed during the previous calendar year and their final costs;
 - b) Updated construction cost estimates for projects yet to be constructed and an explanation of adjustments to the estimates including any unrecorded grants or other sources funding received for the projects;
 - c) Amount collected in Off-Site Levy Fees in the previous calendar year;
 - d) Specifics of the total value of Off-Site Levy Fees being held by the Town of Whitecourt, interest earned and commitments for future expenditures of such monies; and
 - e) Updated Off-Site Levy Rate Schedules to be approved by Council resolution on an annual basis.

12. Except as provided in Section 10 of this Bylaw, the previous Off-Site Levy Bylaw of the Town of Whitecourt, being Bylaw 1435, and all amendments thereto are hereby repealed upon this Bylaw taking effect.
13. That this Bylaw shall come into effect on January 1, 2018.

READ a first time this 25th day of September, 2017.

READ a second time this 25th day of September, 2017.

READ a third and final time this 25th day of September, 2017.

Redacted under Section 17 of the FOIP Act.

Mayor

Redacted under Section 17 of the FOIP Act.

CAO

Signed by the Mayor and CAO this 12 day of October, 2017.