

Bylaw No. 2052

BEING a Bylaw of the Town of Carstairs in the Province of Alberta for the purpose of establishing off-site levies.

WHEREAS in accordance with Section 648 of the ***Municipal Government Act***, R.S.A. 2000, Chapter M-26, a Council may by bylaw:

- a. Provide for the imposition and payment of a levy, to be known as an "off-site" levy, in respect of land that is to be developed or subdivided, and
- b. Authorize agreements to be entered into in respect of the levy.

AND WHEREAS the Town of Carstairs Council deems it desirable to establish off-site levies for the purposes described in Section 648 of the ***Municipal Government Act***, R.S.A. 2000, Chapter M-26;

AND WHEREAS the Town of Carstairs Council engaged the engineering firm of ISL Engineering and Land Services Ltd. ("**ISL**") to prepare a report dated April 18, 2024 (the "**Report**") with respect to the fair and equitable calculation and allocation of off-site levies in accordance with the purposes of the ***Municipal Government Act***, R.S.A. 2000 Chapter M-26;

AND WHEREAS the Town of Carstairs Council has reviewed the Report prepared by ISL and 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 the off-site levies, to set out the object of each levy, and to indicate how the amount of each levy was determined;

AND WHEREAS the Town of Carstairs Council has advertised its intention to consider the provisions of this Bylaw pursuant to Section 606 of the ***Municipal Government Act***, R.S.A. 2000 Chapter M-26;

AND WHEREAS the Town of Carstairs has consulted in good faith with stakeholders in accordance with the requirements of the ***Off-Site Levies Regulation*** AR 187/2017;

NOW THEREFORE pursuant to the authority conferred upon it by the laws of the Province of Alberta, the Town of Carstairs Council, duly assembled, enacts as follows:

1. This Bylaw may be referred to as the "**Town of Carstairs Off-Site Levy Bylaw**".
2. The purpose and intent of this Bylaw is to:
 - a. Impose and provide for the payment of levies to be known as off-site levies in respect of land that is to be subdivided or developed,
 - b. Authorize agreements to be entered into in respect of payment of the off-site levies,
 - c. Set out the objects of each off-site levy, and
 - d. Indicate how the amount of each off-site levy was determined.
3. In this Bylaw:
 - a. "**Act**" means the ***Municipal Government Act***, R.S.A. 2000 Chapter M-26 and amendments thereto;
 - b. "**Applicant**" means the person who is applying for a Development permit or Subdivision approval;
 - c. "**CAO**" means the Chief Administrative Officer of the Town or his/her authorized designate;
 - d. "**Commercial**" means Lands which are designated for a commercial use pursuant to the Land Use Bylaw;
 - e. "**Council**" means the Town of Carstairs Council;
 - f. "**Development Agreement**" means an agreement contemplated within Sections 650 and 655 of the Act;
 - g. "**Industrial**" means Lands which are designated for an industrial use pursuant to the Land Use Bylaw;
 - h. "**Lands**" means private titled parcels of land in accordance with the ***Land Titles Act***, R.S.A. 2000 Chapter L-4;
 - i. "**Land Use Bylaw**" means the Town's Land Use Bylaw, as amended or replaced from time to time in accordance with the Act;

- j. **"Net Developable Acre"** means the total area of land that is the subject of a Development permit or Subdivision approval excluding land provided as environmental reserve or municipal reserve as well as any land provided to the Town or Province of Alberta for roads and public utilities;
- k. **"Off-Site Levy"** means a levy imposed and created by this Bylaw;
- l. **"Off-Site Levy Fund"** means a fund into which an Off-Site Levy together with any interest earned from the investment of the Off-Site Levy is deposited and kept separate from General Account or any other municipal account and administered in accordance with the Act;
- m. **"Residential"** means Lands which are designated for a residential use pursuant to the Land Use Bylaw;
- n. **"Town"** means the Town of Carstairs or the geographical area contained within its boundaries, as the context may require.
- o. Any references in this Bylaw to any statutes are to those statutes as amended or replaced from time to time and any amendments thereto.
- p. Whenever the singular or masculine form of a word is used in this Bylaw, it shall include the plural, feminine or neutral form of the word as the context so requires and vice versa.
- q. The headings in this Bylaw do not form part of this Bylaw and shall not affect its interpretation.
- r. The word "may" when used in this Bylaw shall be construed as permissive and empowering, and the word "shall" when used in this Bylaw shall be construed as imperative.

4. **ADMINISTRATION AND ENFORCEMENT**

- a. Council hereby delegates to the CAO the duty and authority to enforce and administer this Bylaw.

5. **ENACTMENT**

- a. An Off-Site Levy as provided for in the Act is hereby imposed with respect to the Net Developable Acres of all Lands within the Town that are to be Developed or Subdivided at the rates and on the terms as specified in this Bylaw with the exception of any Lands where Off-Site Levies, which were imposed for the same purpose as the Off-Site Levies which are imposed pursuant to this Bylaw, have been previously imposed and collected in full.
- b. Notwithstanding any other provision in this Bylaw, the Town may impose further or different Off-Site Levies, duly enacted by bylaw, on any portion of Lands which are the subject of Development permit or Subdivision approval and in respect of which the Town has not collected Off-Site Levies for the same purpose as the Off-Site Levies imposed under this Bylaw or any previous off-site levy bylaw authorized by the Act or a predecessor Act.
- c. Where the CAO is reasonably satisfied that adequate security is provided to secure the Applicant's or owner of the Lands' obligation to pay the Off-Site Levies, the CAO is hereby authorized to enter into agreements with owners of the Lands referred to in Paragraph 5.1 for payment of the Off-Site Levy imposed on the Lands whereby the Off-Site Levies are deferred or paid in stages.
- d. The Off-Site Levy is deemed to have been imposed on the Net Developable Acres of all Lands within the Town that are to be Developed or Subdivided in accordance with this Bylaw regardless if the imposition of the Off-Site Levy is made a specific condition of a Development permit or Subdivision approval.

6. **OBJECT OF THE OFF-SITE LEVIES**

- a. The object of the Off-Site Levy or Levies imposed and collected pursuant to this Bylaw are to pay for all or any part of the capital cost of any or all of the following:
 - i. new or expanded facilities for the storage, transmission, treatment or supplying of water,
 - ii. new or expanded facilities for the treatment, movement or disposal of sanitary sewage,
 - iii. new or expanded storm sewer drainage facilities,

- iv. new or expanded roads required for or impacted by a Subdivision or Development, and
- v. land required for or in connection with any facilities described within this Paragraph 6.a.

7. OFF-SITE LEVY PAYMENT

- a. The Off-Site Levy imposed pursuant to this Bylaw shall be paid upon the earlier of the following dates:
 - i. the issuance of the Development permit in respect of the Lands,
 - ii. execution of a Development Agreement entered into pursuant to the conditions of a Development permit or Subdivision approval granted in respect of the Lands, or
 - iii. prior to the endorsement of the plan of Subdivision for the Lands.
- b. Where the Applicant or owner of Lands that are subject to the imposition of an Off-Site Levy or Levies under this Bylaw fails, neglects or refuses to either pay the Off-Site Levy imposed or provide sufficient security for the payment of the Off-Site Levy, the Town may:
 - i. commence proceedings in Court for recovery of the Off-Site Levy as an amount due and payable to the Town, or
 - ii. refuse to endorse a plan of Subdivision or release a Development permit until the Applicant or land owner has paid the Off-Site Levy or has provided sufficient security for the payment of the Off-Site Levy in a form satisfactory to the CAO, or
 - iii. take any other steps available to the Town in law or equity for the failure, neglect or refusal to pay the Off-Site Levy.

8. OFF-SITE LEVY FUND

- a. The CAO shall establish and maintain a separate fund for each facility in respect of which an Off-Site Levy is being imposed pursuant to this Bylaw. Such Off-Site Levy fund shall be kept separate from the Town's General Account or any other Town account and shall be administered in accordance with the Act.

9. DETERMINATION OF THE OFF-SITE LEVIES

- a. The Off-Site Levies included in this Bylaw were determined in accordance with the calculations set out in the Report. The Report is hereby incorporated into this Bylaw by reference and shall be disclosed upon request in accordance with Section 10 of this Bylaw.
- b. The Off-Site Levies reflected in this Bylaw will apply to all new Subdivision and Development approved subsequent to the date of third reading of this Bylaw.

10. INFORMATION ON REQUEST

- a. Upon receiving a request from a ratepayer or landowner, the Town shall disclose full information regarding Off-Site Levy calculations, allocations, impositions, collections, costs and payments.

11. REVIEW OF OFF-SITE LEVY RATES

- a. Not more than once per calendar year, Council may adjust the Off-Site Levy rates from time to time through amendment or replacement of this Bylaw.

12. ANNUAL REPORT TO COUNCIL

- a. Not less than once per calendar year, the CAO shall provide a report to Council detailing all Off-Site Levies imposed under this Bylaw, collections and expenditures during the previous calendar year, unpaid Off-Site Levy amounts as at the end of the previous calendar year, funds on hand to meet anticipated expenditures during the current calendar year and updated estimates of the costs expected to be incurred in order to complete construction of the facilities in respect of which an Off-Site Levy has been imposed under this Bylaw.

13. GENERAL

- a. In the event that any provision of this Bylaw be declared invalid or void by any Court having competent jurisdiction, then such invalid or void provision shall be severed from the Bylaw and the remaining provisions of the Bylaw shall be maintained and deemed valid.

- b. Bylaw No. 1061 is repealed on the date of the third and final reading of this Bylaw.
- c. This Bylaw comes into full force and effect on the date of third and final reading of this Bylaw.

14. **OFFSITE LEVIES:**

Water: \$1,266.90 per lot
\$15,450.00 per residential hectare
\$10,815.00 per industrial and commercial hectare
\$152.00 per unit

Sewer: \$3,082.22 per lot
\$35,664.00 per residential hectare
\$24,964.80 per industrial and commercial hectare
\$369.86 per unit

Storm: \$849.68 per lot
\$10,621.00 per residential hectare
\$7,434.70 per industrial and commercial hectare
\$101.96 per unit

Transportation: \$741.20 per lot
\$9,265.00 per residential hectare
\$6,485.50 per industrial and commercial hectare
\$88.94 per unit

READ A FIRST TIME THIS XXTH DAY OF XXX A.D., 202X

READ A SECOND TIME THIS XXTH DAY OF XXX A.D., 202X

READ A THIRD AND FINAL TIME THIS XXTH DAY OF XXX A.D., 202X

Lance Colby, Mayor

Rick Blair, CAO