

BY-LAW NUMBER 2008/42

BY-LAW NO. 2008/42 is By-law in the County of Wetaskiwin No. 10 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 and commercial sites within the Municipality require new construction or expansion of facilities for the treatment of sewage or disposal of sanitary sewage;

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

AND WHEREAS: the County of Wetaskiwin No. 10 finds it appropriate reasonable to impose by Bylaw, an offsite levy pursuant to Section 648 and 649 of the Municipal Government Act, R.S.A. 2000, C M-26, as amended; relation to aforesaid lands

NOW THEREFORE: The Council of the County of Wetaskiwin No. 10, duly assembled, and under the authority of the Municipal Government Act, R.C.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 County of Wetaskiwin No. 10 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) "Lands" means those lands specified in schedule "A" attached hereto;
 - (d) "Levy" means the off site levy imposed pursuant to this Bylaw under the authority of the Municipal Government Act and determined in accordance with Schedule "B" and "C";
 - (g) "Municipality" means the municipal corporation of the County of Wetaskiwin No. 10 or, where the context permits, the geographical area thereof;
 - (h) "Subdivision" means "Subdivision" as defined in the Municipal Government Act s. 616, as amended;
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 treatment, movement or disposal of sanitary sewage;
 - (b) the acquisition of lands in connection therewith.
4. A Levy shall be imposed upon the following Lands:
 - (a) All those Lands within the Municipality specified in Schedule "A" upon which Development takes place after the date of passing of the within Bylaw, or;

- (b) All those Lands within the Municipality specified in Schedule "A" for which Subdivision approval is obtained after the date of passing of the within Bylaw.

except as otherwise specified in this Bylaw.

5. The levy shall not be imposed on lands within the Municipality specified in schedule "A" upon which on-site disposal and treatment of sanitary sewer is provided to the satisfaction of the County in accordance with County Sewer Policy 6611.
6. The Levy is hereby established and imposed on a Development or Subdivision on the basis of the calculations attached as Schedule "B" and "C" to this Bylaw.
7. The Levy imposed pursuant to Paragraphs 4 and 5 herein shall be paid before a Subdivision Plan is registered, or at the time of transfer from the developer to a third party pursuant to the Land Titles Act, or upon the issuance of a Development Permit, whichever date is earliest.
8. 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.
9. All funds collected pursuant to this Bylaw herein shall be accounted for and expended only as permitted under the provisions of the Municipal Government Act.
10. Subject to Sections 10, and 11, where prior to the passage of this Bylaw an 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.
11. 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, or the basis of the Off-Site Levy Bylaw in force at the time the Levy is paid, whichever is greater.
12. 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;

13. Council hereby delegates to the Chief Administrative Officer the duty and authority to enforce and administer this bylaw.
14. This Bylaw shall take effect and come into force as of the date of the final reading thereof.
15. This Bylaw shall rescind Bylaws 2005/11 and 2007/09
1. This By-law comes into effect on the date of third reading.

READ: A First time this 12th day of June A.D., 2008.

READ: A Second time this 12th day of June A.D., 2008.

READ: A Third time and finally passed this 12th day of June A.D., 2008.

Original Signed

REEVE

Original Signed

SECRETARY-TREASURER