

TOWN OF INNISFAIL OFF-SITE LEVY BYLAW

Bylaw No. 1589-2016

A Bylaw of the Town of Innisfail in the Province of Alberta, to provide for an Off-Site Levy

WHEREAS: The *Municipal Government Act*, R.S.A 2000, Chapter M-26, as amended, grants a Municipality the authority to pass an Off-Site Levy Bylaw;

WHEREAS: The Council of the Town of Innisfail deems it necessary to establish an off-site levy to pay for the capital costs of new and expanded facilities for the treatment, storage and transmission of water, and new and expanded roads, and the land required in connection with those facilities described above, because of the population growth expected to occur in the town;

WHEREAS: Sections 648 and 649 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 provides that the Council of a Municipality may pass a bylaw establishing an off-site levy;

NOW THEREFORE: The Council for the Town of Innisfail, duly assembled, enacts as follows:

TITLE

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

DEFINITIONS

2. In 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

Town: means the Municipal Corporation of the Town of Innisfail

OBJECT OF THE LEVIES

3. The off-site levy imposed and collected pursuant to this Bylaw may be used only to pay for all or any part of the capital cost of any of the following:
 - (a) new or expanded facilities for the storage, transmission, treatment or supplying of water;
 - (b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
 - (c) new or expanded roads required for or impacted by a subdivision or development; and
 - (d) land required for or in connection with any facilities described in (a) through (c).

where each is identified as an item intended to be funded by the off-site levy and listed in Schedule A and Schedule B.

APPLICATION

4. The off-site levy shall be paid on undeveloped and/or redeveloped land within the limits of the Town that is to be developed for residential, commercial, industrial or other purposes.
5. All levies imposed under this Bylaw shall be in addition to the fee payable for subdivision approval, development permits or building permits, and shall be paid to the Town following

approval of a plan of subdivision and prior to the issuance of a development permit or building permit, as the case may be.

DETERMINATION OF THE LEVIES

6. The off-site levy payable shall be in accordance with Schedule A and Schedule B, attached hereto and forming part of this Bylaw, and shall be calculated as follows:

For Lands within Area 1

- (a) For residential use, \$15,496 per hectare of developable land is payable at the time of subdivision approval and \$850 per dwelling unit is payable at the time of development permit approval;
- (b) For commercial use, industrial use or any other non-residential use, \$13,996 per hectare of developable land is payable at the time of subdivision approval and \$10,000 per hectare of the parcel being developed is payable at the time of development permit approval;

For Lands within Area 2

- (c) For commercial use, industrial use or any other non-residential use, \$9,190 per hectare of developable land is payable at the time of subdivision approval and \$5,000 per hectare of the parcel being developed is payable at the time of development permit approval.

7. From time to time Council may, by amending bylaw, update the attached schedules to reflect current estimated costs of the infrastructure to be constructed.

METHOD OF COLLECTION

8. The owner of lands to be subdivided or developed shall, as a condition of subdivision or development approval, enter into a development agreement to pay to the Town the off-site levy authorized to be imposed under this Bylaw or otherwise make payment to the Town at the time of approval.
9. Where it is determined that a development agreement is appropriate, the development agreement shall ensure that:
- (a) Provision be made for the payment of the off-site levy as specified in this Bylaw; or
 - (b) Provision may be made for the deferring of payment of the off-site levy to a future date or the time of future development; or
 - (c) Indicate that no further off-site levy shall be required in a case where the off-site levy has previously been collected in full in respect to all of the lands which are the subject of the development or subdivision application.
10. In the case of development approval, the full off-site levy amount shall be paid at the time that the development permit is issued.

OFF-SITE LEVY FUND

11. All funds collected pursuant to this Bylaw herein, and any interest earned from the investment of the funds shall be accounted for in a special fund and expended only in relation to the purpose(s) for which it is collected.

NON-PAYMENT OF OFF-SITE LEVIES

12. In the event that any of the off-site levy imposed by this Bylaw is not paid at the time specified in the development agreement, the Town's Chief Administrative Officer is hereby authorized to impose the unpaid sums of money on the lands that are the subject of the development agreement, and thereafter collect the same as unpaid taxes in accordance with the provisions of the Act.

REVIEW AND REPORT

13. No less than once in each calendar year, the CAO shall provide a report to the Council detailing all levies imposed under this Bylaw, collections and expenditures during the previous calendar year, unpaid levies as of the end of the previous calendar year, funds on hand to meet anticipated expenditures during the 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.

SEVERABILITY

14. If at any time any provision of this Bylaw is declared or held to be illegal, invalid or *ultra vires*, in whole or in part, then that provision shall not apply and the remainder of this Bylaw shall continue in full force and effect and shall be construed as if it had been enacted without the illegal, invalid or *ultra vires* provision.

ENACTMENT

15. This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

16. Bylaw # 1437, and any amendments thereto, is hereby repealed.

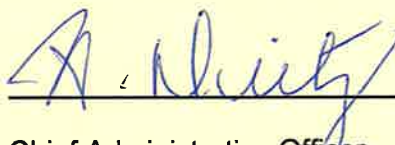
Read a first time in open Council this 11 day of January, 2016

Read a second time in open Council this 14 day of March, 2016

Read a third time in open Council this 14 day of March, 2016



Mayor



Chief Administrative Officer

SCHEDULE A – Off-Site Levy Amounts for Area 1 on Schedule C

Infrastructure	Net Cost	Benefitting Area (ha)	Off-Site Levy Amount (per ha)
Project 1 – reservoir 3 construction	\$1,023,092	1,390.64	\$736
Project 2 – pressure reducing valves	\$210,000	1,390.64	\$151
Project 3 – reservoir 2 upgrades for added capacity	\$390,000	661.43	\$590
Project 4 – reservoir 1 upgrades for added capacity	\$3,300,000	661.43	\$4,989
Project 5 – reservoir 2 upgrades for added capacity	\$1,500,000	661.43	\$2,268
Project 6 – northwest water booster station	\$300,000	1,390.64	\$216
Project 7 – pressure reducing valves	\$1,048,000	1,390.64	\$754
Project 8 – sanitary gravity connecting to regional lift station	\$142,119	1,390.64	\$102
Project 9 – 42 Street arterial (60 th Ave to 61 st Ave)	\$323,160	1,520.58	\$213
Project 10 – 51 Street arterial (42 nd Ave to 43 rd Ave)	\$127,886	1,520.58	\$84
Project 11 – traffic control signals at existing intersections	\$2,240,000	989.21	\$2,264
Project 12 – 48 th Avenue truck route connector	\$965,950	989.21	\$976
Project 13 – C&E Trail truck route connector	\$3,161,256	989.21	\$3,196
Project 14 – 48 th and C&E Trail truck route intersection	\$2,062,018	989.21	\$2,085
Project 15 – 42 nd Ave arterial connector	\$1,273,595	989.21	\$1,287
Project 16 – new arterial between NE1 and NE4	\$1,307,396	989.21	\$1,322
Project 17 – 42 nd Avenue connector and C&E intersection	\$2,733,640	989.21	\$2,763
TOTALS	\$22,108,113	-	\$23,996

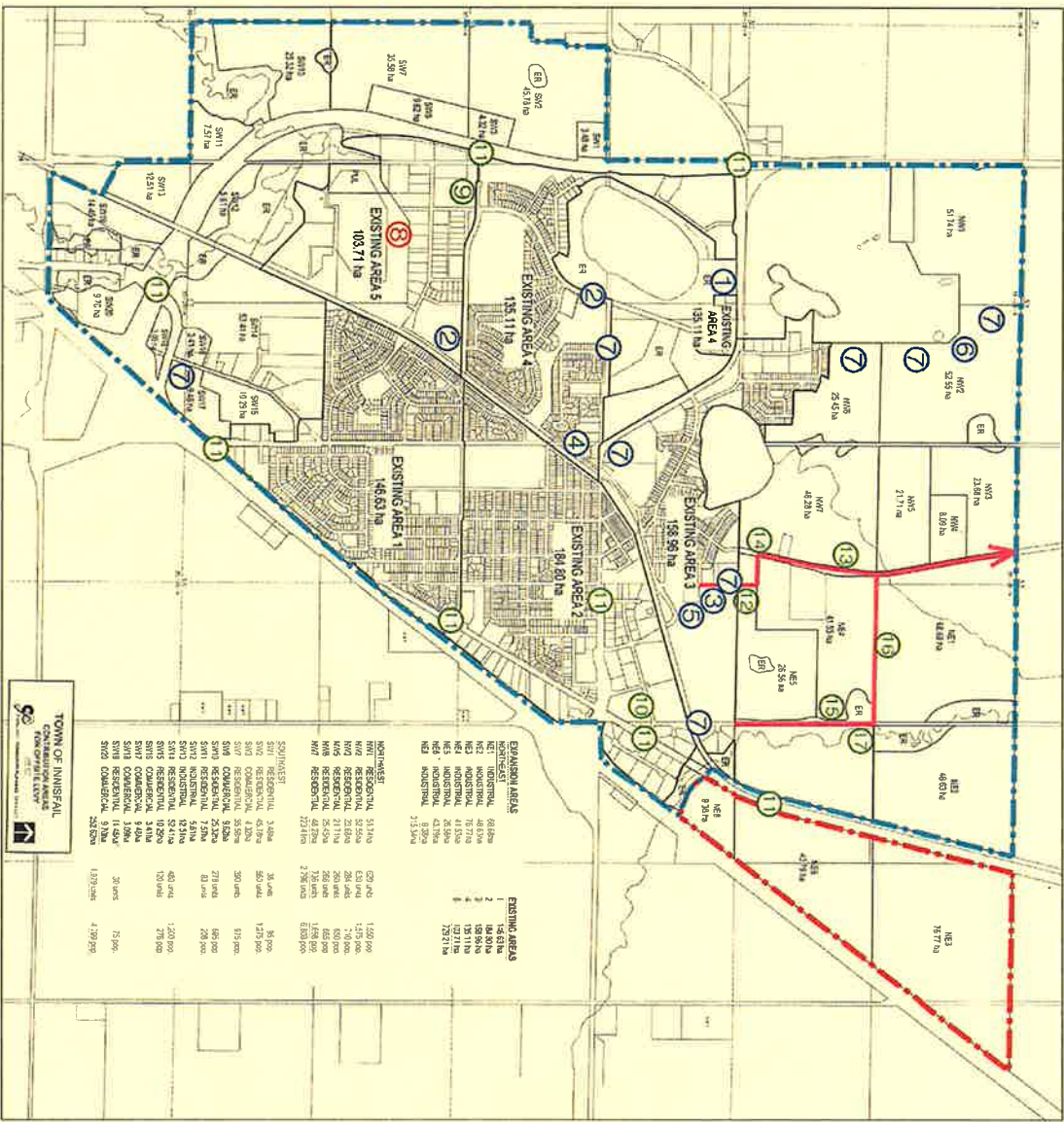
Note: For more information about the nature of the municipal infrastructure funded by the off-site levy and the determination of benefitting areas please refer to the *Town of Innisfail Off-Site Levies Report: 2015* prepared by Tagish Engineering.

SCHEDULE B – Off-Site Levy Amounts for Area 2 on Schedule C

Infrastructure	Net Cost	Benefitting Area (ha)	Off-Site Levy Amount (per ha)
Project 9 – 42 Street arterial (60 th Ave to 61 st Ave)	\$323,160	1,520.58	\$213
Project 10 – 51 Street arterial (42 nd Ave to 43 rd Ave)	\$127,886	1,520.58	\$84
Project 11 – traffic control signals at existing intersections	\$2,240,000	989.21	\$2,264
Project 12 – 48 th Avenue truck route connector	\$965,950	989.21	\$976
Project 13 – C&E Trail truck route connector	\$3,161,256	989.21	\$3,196
Project 14 – 48 th and C&E Trail truck route intersection	\$2,062,018	989.21	\$2,085
Project 15 – 42 nd Ave arterial connector	\$1,273,595	989.21	\$1,287
Project 16 – new arterial between NE1 and NE4	\$1,307,396	989.21	\$1,322
Project 17 – 42 nd Avenue connector and C&E intersection	\$2,733,640	989.21	\$2,763
TOTALS	\$14,194,902	-	\$14,190

Note: For more information about the nature of the municipal infrastructure funded by the off-site levy and the determination of benefitting areas please refer to the *Town of Innisfail Off-Site Levies Report: 2015* prepared by Tagish Engineering.

SCHEDULE C – Area 1 and Area 2



TOWN OF INNISFAIL
 COMMUNITY DEVELOPMENT
 COMMUNITY DEVELOPMENT
 COMMUNITY DEVELOPMENT

EXPANSION AREAS		EXISTING AREAS	
Area	Area	Area	Area
NE1 INDUSTRIAL	61.6ha	NA1 RESIDENTIAL	1,207,000
NE2 INDUSTRIAL	48.5ha	NA2 RESIDENTIAL	1,270,000
NE3 INDUSTRIAL	71.7ha	NA3 RESIDENTIAL	1,570,000
NE4 INDUSTRIAL	28.5ha	NA4 RESIDENTIAL	1,588,000
NE5 INDUSTRIAL	28.5ha	NA5 RESIDENTIAL	1,727,000
NE6 INDUSTRIAL	43.7ha		
NE7 INDUSTRIAL	1.3ha		
NE8 INDUSTRIAL	1.3ha		
NE9 INDUSTRIAL	1.3ha		
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NE100 INDUSTRIAL	1.3ha		



2013
 OFFSITE
 LEVELS

- LEGEND**
- TOWN BOUNDARY AREA 1
 - TOWN BOUNDARY AREA 2
 - WATER PROJECTS
 - SANITARY PROJECTS
 - TRANSPORTATION PROJECTS
 - FUTURE ARTERIAL ROADWAY

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Scale: 1:10,000
 Date: November 2015

Project No. TI-114
 Infrastructure Projects Location Plan
 Figure 3.1