



**TOWN OF CARDSTON  
IN THE PROVINCE OF ALBERTA**

**BYLAW 1675**

**OFF-SITE LEVY BYLAW**

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# TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA

## BYLAW 1675

### OFF-SITE LEVY BYLAW

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO ESTABLISH AN OFF-SITE LEVY.

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**WHEREAS:** the Municipal Government Act, RSA 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 Cardston 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 storm water, because of potential growth that may occur in the Town of Cardston;

**NOW THEREFORE,** the Council of the Town of Cardston in the Province of Alberta hereby enacts as follows:

### PART I - TITLE, PURPOSE, DEFINITIONS AND INTERPRETATION

#### TITLE

- 1) This bylaw shall be known as the “Off-site Levy Bylaw” of the Town of Cardston.

#### PURPOSE AND INTENT

- 2) This Bylaw is intended to be used to pay for all or any part of the capital cost of any of the following:

(2.1) New or expanded facilities for the storage, transmission, treatment or supplying of water;

(2.2) New or expanded facilities for the treatment, transmission, or disposal of sanitary sewage;

(2.3) New or expanded facilities for the storage, transmission, treatment, or disposal of storm water;

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

#### DEFINITIONS

- 3) In this bylaw:

(3.1) **Act** means the Municipal Government Act, RSA 2000, Chapter M-26, as amended.

(3.2) **Chief Administrative Officer** means the person appointed to the position of Chief Administrative Officer by the Council of the Town of Cardston and includes any person that the CAO may appoint as his/her designate for purposes of carrying out his/her responsibilities under this Bylaw and further includes any person that may be appointed to act in the absence of the CAO.

(3.3) **Council** means the Municipal Council of the Town of Cardston.

(3.4) **Development** has the same meaning as defined in the Act.

(3.5) **Net Developable Area** means the area of the lot or lots to be developed or the area of the lot or lots to be created excluding environmental and municipal reserves;

(3.6) **Off-Site Levy** means a levy imposed and created by this Bylaw pursuant to the Act;

(3.7) **Subdivision** has the same meaning as defined in the Act;

(3.8) **Town** means the Town of Cardston, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Town of Cardston, as the context may require.

## **RULES FOR INTERPRETATION**

- 4) The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

## **PART II – GENERAL**

### **ADMINISTRATION AND ENFORCEMENT**

- 5) Administration and Enforcement

(5.1) 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 CAO 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 provision of the Act.

### **IMPOSITION OF LEVY**

- 6) Imposition of Levy

(6.1) 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. Council reserves the right to negotiate off-site levy rates with respect to commercial and industrial lots if special circumstances exist.

- (6.2) 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.
- (6.3) In the case of development approval, the full off-site levy amount shall be paid at the time that the development permit is issued.

## **OBJECTS OF LEVIES**

### **7) Object of the Levies**

- (7.1) The off-site levy payable shall be in accordance with Schedule A, attached hereto and forming part of this Bylaw and is summarized as follows:
  - 7.1.1. For all Lands - \$5,109.21 per acre
  - 7.1.2. Levies calculated by the acre will be the gross acreage minus environmental reserve and municipal reserve.
  - 7.1.3. When a large parcel that contains an existing dwelling that was developed prior to the adoption date of this bylaw is further subdivided, off-site levies will not be calculated on the lot that the original dwelling resides on.
  - 7.1.4. Off-site levies may be deferred if the property has potential to be subdivided but is not being subdivided at this time, and a Development Permit is requested to allow one dwelling to be constructed on the property. The owner of the property will enter into a Development Agreement with the Town to pay the Off-site levy equivalent to 1(one)acre and defer the rest of the Off-site levies until the time that the property is subdivided further and a Development Permit is requested.
- (7.2) 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 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.

(7.3) Where it is determined that a development agreement is appropriate, the development agreement shall ensure that:

7.3.1. Provision be made for the payment of the off-site levy as specified in this Bylaw; or

7.3.2. 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 the lands which are the subject of the development or subdivision application.

(7.4) 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.

(7.5) This Bylaw and all fees associated with it shall be reviewed every 4 years.

**SEVERABILITY**

**8)** 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.

**EFFECTIVE DATE**

**9)** This Bylaw shall come into force and take effect on the date of final passing.

Received First Reading this 12<sup>th</sup> day of February, 2019

Received Second Reading this 26<sup>th</sup> day of February, 2019

Received Third & Final Reading this 26<sup>th</sup> day of February, 2019

Signed by the Mayor and the Chief Administrative Officer this 26<sup>th</sup> day of February, 2019

TOWN OF CARDSTON

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MAYOR – *Maggie Kronen*

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CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

## SCHEDULE "A"

Project	Historical Cost	Planned Costs	%Benefit Allocated	Levy Total	
<b>Storm Water</b>					
West Area Storm Water pond		510,000	86%	438,600	
Reunion Center Storm Water Pond		510,000	95%	484,500	
East Area Storm Water Pond		360,000	88%	316,800	
<b>Sewer</b>					
Lee Creek Sewer Main Trunk Twining	1,624,877		52%	844,936	
Sanitary Lift Station Improvement's		846,000	45%	380,700	
NE Sewer Lift Station		962,000	77%	740,740	
<b>Water</b>					
7 <sup>th</sup> Avenue Booster Station Upgrades		675,000	45%	303,750	
			Total Costs	3,510,026	
Total Undeveloped Acres were determined by the map attached as Schedule B				Total Undeveloped Acres	687
			Total cost per acre	5,109.21	



**SCHEDULE "B"**

