

**TOWN OF BRUDERHEIM
OFF-SITE LEVY BYLAW
BYLAW NO. 47-2016**

A BYLAW OF THE TOWN OF BRUDERHEIM, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING A STRUCTURE FOR OFF-SITE LEVIES FOR LAND THAT IS TO BE SUBDIVIDED OR DEVELOPED WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF BRUDERHEIM.

WHEREAS the *Municipal government Act*, RSA 2000, chapter M-26, as amended or repealed and replaced from time to time, permits a Council to impose a levy known as an Off-Site Levy in respect of land to be developed or subdivided within a municipality's limits, and to authorize an Agreement to be entered into for payment of the levy, and

WHEREAS the municipality has engaged in consultation with representatives of the development industry to address and define existing and future infrastructure requirements of the Municipality with respect to circumstances of the Municipality and the benefits of development, and

WHEREAS the Council has received advice and reports respecting upgrades to Off-Site infrastructure which set out a fair and equitable calculation of Off-Site Levies in accordance with the purpose of the *Municipal government Act*, RSA 2000, chapter M-26, as amended or repealed and replaced from time to time;

NOW THEREFORE the Council of the Town of Bruderheim, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. BYLAW TITLE

- 1.1 This bylaw shall be cited as the Town of Bruderheim's "Off-Site Levy Bylaw"

2. DEFINITIONS

- 2.1 The following terms shall have the following meaning in this Bylaw:

- a) **"Bylaw"** means this off-site levy bylaw established by the Municipality;
- b) **"Chief Administrative Officer"** means the Chief Administrative Officer for the Town, regardless of the specific title that may be conferred on that Officer by Council from time to time;
- c) **"Council"** means the Council for the Town of Bruderheim;
- d) **"Developable Land"** shall mean all residential, commercial or industrial lands contained within the Development Region:
 - (i) Upon which Development takes place after the date of passing of this Bylaw; or
 - (ii) For which Subdivision approval is obtained after the date of passing of this Bylaw;excluding all Developed Land.
- e) **"Developed Land"** shall mean land that has been subject to Development or a Subdivision prior to the date of passing of this Bylaw, and in respect of which off-site levies for the same services have been paid.

- f) **“Development”** means “development” as defined in the *Municipal Government Act*, RSA 2000, chapter M-26, sub-chapter 616, as amended or repealed and replaced from time to time.
- g) **“Development Agreement”** means “development agreement” as referred to in the *Municipal Government Act*, RSA 2000, chapter M-26, sub-chapters 650 and 655, as amended or repealed and replaced from time to time.
- h) **“Development Region”** includes the area of land within the municipal boundaries of the Municipality.
- i) **“Growth”** shall mean:
 - (i) the creation of new lots through Subdivision; and
 - (ii) the occurrence of Development
- j) **“Municipality”** means the Town of Bruderheim.
- k) **“Off-Site Infrastructure”** shall mean those components and projects referred to in the Reports, in relation to water, sanitary sewer facilities; arterial roadways; and storm water containment and drainage;
- l) **“Off-Site Levy”** means the off-site levy imposed pursuant to this Bylaw under the authority of the *Municipal government Act*, RSA 2000, chapter M-26, as amended or repealed and replaced from time to time.
- m) **“Reports”** means the following:
 - (i) “Master Services Plan” prepared by Associated Engineering, dated December 2015.
 - (ii) Any future reports as authorized by the Chief Administrative Officer.
- n) **“Subdivision”** means “subdivision” as defined in the *Municipal Government Act*, RSA 2000, chapter M-26, sub-chapter 616, as amended or repealed and replaced from time to time.

3. FORMS OF LEVY

3.1 From time to time, the Municipality may choose one of the following forms of development, and associated levies, detailed in the associated development permit:

3.1.1 Developer-initiated internal to subdivision:

3.1.1.1 The developer will install at their expense all water, sewer, provision for fiber optic cable, storm water catchment and drainage, and arterial roadways within the subdivision, provided there are no implications to infrastructure external to the subdivision.

3.1.2 Developer-initiated external to subdivision:

3.1.2.1 With input and oversight from the Municipality, the Developer will install all water, sewer, provision for fiber optic cable, storm water catchment and drainage, arterial roadways, and improvements to existing infrastructure required to service the subdivision, and oversized for future development, at his expense.

3.1.2.2 The Developer will submit audited statements to the Municipality of the costs of the installations.

3.1.2.3 Through the Development Agreement, the Municipality will develop an off-site levy payment structure on a per hectare basis against the above improvements to be applied to future developers, to be charged to Developers who tie in to the infrastructure.

3.1.2.4 Through the Development Agreement, the Municipality will reimburse the Developer, including interest on expended monies that paid for the infrastructure improvements as further tie-ins are made to the infrastructure as per the Development Agreement between the parties.

3.1.3 Municipality controlled:

3.1.3.1 The Municipality will collect, on a per hectare basis, funds from Developers for future installations and/or improvements to off-site infrastructure, and install said infrastructure as deemed required.

4. IMPOSITION OF LEVY

4.1 There is hereby imposed a levy which shall be known as an Off-Site Levy in respect of all Developable land in the Municipality per Section 3.

4.2 The amount of the Off-Site Levy will be assessed on all Developable Land within the Development Region on a per hectare basis as provided in the Development Agreement between the parties, excluding those portions of Developable Land that are designated pursuant to a Subdivision as:

4.2.1 Environmental Reserve

4.2.2 Municipal Reserve;

4.2.3 Arterial Right-of-Way; and

4.2.4 Storm water catchment and drainage.

4.3 Unless otherwise agreed upon per the Development Agreement; the Off-Site Levy is due prior to the issuance of Subdivision approval for the Development Region or the issuance of a Development permit in relation to the subject parcel.

5. OBJECTS, PRINCIPLES AND CRITERIA

5.1 The objects, principles and criteria of the Off-Site Levy shall be in accordance with the following:

5.1.1 This Bylaw creates an Off-Site Levy to provide funds for the construction of Off-Site Infrastructure required for Growth.

5.1.2 Development in new growth areas through Off-Site Levies will provide the capital to fund the infrastructure required for Growth. Those who benefit from the infrastructure, which is defined by all Developable Land in the Development Region, shall share proportionally, on a per hectare basis, in related costs.

5.1.3 Provision of Off-Site Infrastructure by developers of Developable Land will not create an advantage or penalty due to the time or location of development.

5.1.4 Off-Site Infrastructure will be provided to maintain sustainable, cost-effective and orderly growth.

- 5.1.5 The calculation of the Off-Site Levy should be an open and transparent process.
- 5.1.6 All funds collected from the Off-Site Levy will be credited to a separate and distinct, identifiable Off-Site Levy account, which may be invested as per the Municipality's Investment Policy until used for the construction of the specified Off-Site Infrastructure. The management of the Off-Site Levy account should be an audited process, with reports available to the public and developers.
- 5.1.7 The Off-Site Levy will help allow the Municipality to recover the cost of infrastructure required for Growth:
 - 5.1.7.1 Using financial strategies that remain sustainable,
 - 5.1.7.2 Facilitating development by reducing risk on early developers and ensuring future developers share the costs of the facilities from which they benefit, and
 - 5.1.7.3 Promoting cost effective and orderly development,
 - 5.1.7.4 Reimbursing a Developer who has installed Off-Site Infrastructure at their expense.
- 5.1.8 The Off-Site Levy will help promote orderly development by:
 - 5.1.8.1 Providing Off-Site Infrastructure, once the appropriate planning is in place, and when warranted in development, and
 - 5.1.8.2 Providing infrastructure for contiguous development.
- 5.1.9 The Off-Site Levy will help create a transparent process by;
 - 5.1.9.1 Providing opportunity for developer input into the levy, its definition and administration,
 - 5.1.9.2 Conforming with the *Municipal government Act*, RSA 2000, chapter M-26, as amended or repealed and replaced from time to time, and
 - 5.1.9.3 Providing reports on the Off-Site Levy.
- 5.1.10 The Off-Site Levy will help create a clear process for calculation of the rate, levies and credits by:
 - 5.1.10.1 Creating consistent and predictable levies and credits,
 - 5.1.10.2 Creating predictable and stable levies over time, and
 - 5.1.10.3 Documenting a process for establishing the levy rate.

6. DEVELOPMENT AGREEMENTS

- 6.1 The entering into of a Development Agreement with respect to, amongst other things, the collection of an Off-Site Levy is hereby authorized.
- 6.2 Council delegates the authority to enforce and administer this Bylaw, including, but not limited to, the authority to enter into Development Agreements on behalf of the Municipality and to defer or waive collection of

Off-Site Levies imposed pursuant to this Bylaw, to the Chief Administrative Officer.

6.3 Council may from time to time adopt policies or guidelines for the assistance and direction of the Chief Administrative Officer in determining which Development and Subdivision applications shall require a Development Agreement.

6.4 Where it is determined that a Development Agreement is appropriate for any application for Development or Subdivision, the applicant or owner, as the case may be, shall enter into a Development Agreement with the Municipality and such Development Agreement shall ensure that:

6.4.1 Provision be made for the payment of Off-Site Levies as specified in this Bylaw, or that provision may be made for the deferring of payment of the Off-Site Levies to a future time certain or uncertain, and

6.4.2 No further Off-Site Levies shall be required to be paid under Development Agreements for lands, which are the subject of the Development or Subdivision application, that have been previously imposed Off-Site Levies and which have been collected in full.

7. ACCOUNTING

7.1 All funds collected pursuant to this Bylaw shall be accounted for in a special fund and expended only as permitted under the provisions of the *Municipal government Act*, RSA 2000, chapter M-26, as amended or repealed and replaced from time to time.

8. GENERAL

8.1 Nothing in this Bylaw precludes the Municipality from:

8.1.1 Imposing further or different levies, duly enacted by bylaw, on any portion of the Developable Lands in respect of which the Municipality has not collected Off-Site Levies,

8.1.2 Deferring collection of the Off-Site Levy for the stated objects of the Bylaw, on any portion of Developable Lands in respect of which the Municipality imposed Off-Site Levies, including requiring security for payment of such deferred Off-Site Levies, or

8.1.3 Reducing or forgiving payment of the Off-Site Levies required pursuant to the Bylaw, or otherwise providing for credits for other Off-Site or oversize infrastructure constructed by a developer in calculating and/or collecting the Off-Site Levies that become payable pursuant to this Bylaw.

9. SEVERABILITY

9.1 It is the intention of Council that each separate provision of this bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the bylaw shall remain in force and effect.

10. RESCIND

10.1 That this Bylaw rescinds Bylaw 783-2008 The Offsite Levy Bylaw and all amendments thereto:

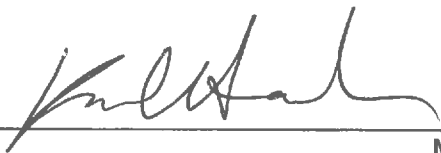
11. EFFECTIVE DATE

11.1 This bylaw shall come into full force and effect upon the date of the Third and final reading

Read a first time this 17 day of August, 2016

Read a second time this 07 day of September, 2016

Read a third time and finally passed this 07 day of September, 2016.



MAYOR



ADMINISTRATION

Date signed: Sept 7 / 16