

**TOWN OF MILLET  
BYLAW #2015/03**

**A BYLAW OF THE TOWN OF MILLET, IN THE PROVINCE OF ALBERTA, TO  
AUTHORIZE A LEVY OF OFF-SITE COSTS ON LANDS WITHIN THE TOWN  
OF MILLET OR ADJOINING THE TOWN OF MILLET PROPOSED FOR  
RESIDENTIAL AND NON-RESIDENTIAL SUBDIVISION AND  
DEVELOPMENT.**

WHEREAS pursuant to Part 17, Division 6, Section 648(1) of the Municipal Government Act, being Chapter M.26 of the Revised Statutes of Alberta 2000, and amendments thereto, the Council of a municipality may pass a bylaw for the imposition and collection of a levy;

AND WHEREAS developments within the Town or adjoining the Town have required and will continue to require new construction or expansion of certain municipal facilities, or land in connection with such facilities;

AND WHEREAS it is deemed just and reasonable that new developments should bear a fair portion of the cost of constructing or expanding such facilities;

NOW THEREFORE, the Council of the Town of Millet, duly assembled, and under the authority of the Municipal Government Act, 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) “*Arterial Road*” means is a high-capacity urban road. The primary function of an arterial road is to deliver traffic from collector roads to freeways or expressways, and between urban centers at the highest level of service possible. As such, many arteries are limited-access roads, or feature restrictions on private access.
  - (b) “*Development*” means
    - (i) an excavation or stockpile and the creation of either of them,
    - (ii) a building or an addition to or replacement or repair of a building and the construction or placement of any of them on, in, over or under land,
    - (iii) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
    - (iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
  - (c) “*Development Permit*” means a document that is issued under a land use bylaw and authorizes a development;
  - (d) “*Environmental Reserve*” means the land designated as environmental reserve by a subdivision authority or a municipality under Part 17, Division 8 of the Municipal Government Act.
  - (e) “*Levy*” means the offsite levy imposed pursuant to this Bylaw under the authority of the Municipal Government Act;
  - (f) “*Municipal Government Act*” means the Municipal Government Act (Alberta) being Revised Statutes of Alberta 2000, M-26, RSA, and amendments thereto;
  - (g) “*Municipal Reserve*” means the land designated as municipal reserve under Part 17, Division 8 of the Municipal Government Act;
  - (h) “*Parcel of land*” means the aggregate of the one or more areas of land

- described in a certificate of title or described in a Certificate of Title by reference to a plan filed or registered in a land titles office;
- (i) “*Subdivision*” means the division of a parcel of land by an instrument and “subdivide” has a corresponding meaning;
  - (j) “*Subdivision Authority*” means a subdivision authority established under part 17, Division 3 of the Municipal Government Act;
  - (k) “*Town*” means the municipal corporation of the Town of Millet or, where the context permits, the geographical area thereof.
3. The purpose of this bylaw, shall be for the collection of funds that may be used for all or part of;
- As whereas pursuant to Part 17, section 648 of the Municipal Government Act;  
An off-site levy may be used only to pay for all or part of the capital cost of any or all 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 storm sewer drainage facilities;
  - (c.1) new or expanded roads required for or impacted by a subdivision or development;
  - (d) land required for or in connection with any facilities described in clauses (a) to (c.1).
4. An Off-Site water/sewer Levy imposed under this bylaw or former bylaw;
- a) may be collected only once in respect of lands that are the subject of a development or a subdivision;
  - b) there will be no refund on collected Off-site Levies.
5. With respect to a levy, the collection of Off-Site Levies may be imposed when entering into a Development Agreement, among other things.
6. The Off-Site Levy is due prior to the issuance of a subdivision approval for the Development Region, signing of a Development Agreement and or the issuance of a Development Permit in relation to the subject parcel of land within the development area.
7. An Off-Site Levy shall be imposed upon the following lands after the third and final reading of this Bylaw:
- (a) Lands developed, or to be developed, for new or alternate land use.
  - (b) Properties where land use intensity is changed.
  - (c) Infill development on vacant land that requires new services for water and/or sewer; if prior services subsist or have existed, an off-site levy fee may not apply, but a connection fee may apply.
8. Off-Site Levies will not be collected on land where;
- (a) it can be shown or it is reasonable to assume that the land was previously connected to all municipal services including water, and sanitary sewer;
  - (b) the land remains completely un-serviced;
  - (c) there will be a reasonable opportunity to collect Off-Site Levies in the future, upon subdivision and further servicing of the land;
  - (d) water and/or sanitary sewer infrastructure has already been installed and/or collected in full, in respect to all lands which are subject to development or a subdivision application.

- (e) an infill site exists that has been previously developed and the site was serviced with water and/or sanitary sewer, and a development permit application has been made to construct a building on the site, depending on the age of the service, the materials used and the condition of the existing services the applicant of the permit or the owner of the property may be required to install new water and sanitary sewer services to the site from the municipal mains and if the old services are not used will be required to pay the cost to remove the municipal services. The costs include road sub base and surface repair, curb and gutter repair, sidewalk repair, and boulevard landscaping;
  - (f) a serviced site exists and a development permit application has been made to construct a building on the site where the existing services do not meet the size and capacity necessary to provide service to the proposed building or site, the owner must enter into a development agreement regarding the costs of installing the necessary services and restoring the surface and subsurface infrastructure.
9. The Off-Site Levy will be assessed as outlined in Schedule "A", in respect to land that is to be developed and/or subdivided, excluding those portions of developable land that are designated as:
- (a) Environmental Reserve
  - (b) Municipal Reserve, or;
  - (c) Arterial Road
10. The Levy imposed pursuant to Paragraph 7 herein shall be paid in accordance with;
- (a) the reference in Paragraph 6 and;
  - (b) schedule "A" of this Bylaw.
11. The lands for which the Off-Site Levy shall be payable are shown on Schedule "B" attached hereto and forming part of this bylaw.
12. All funds collected pursuant to this Bylaw herein shall be accounted for in a special fund and expended only as permitted under the provisions of the Municipal Government Act.
13. In the event that any of the Off-Site Levies imposed by this bylaw are not paid at the time specified, the Chief Administrative officer is hereby authorized to impose the unpaid sums of money on the lands that are subject of the development, and therefore collect the same as unpaid taxes in accordance with the provisions of the MGA.
14. Where prior to the passage of this Bylaw a Development Agreement making provision of the payment of Levies for the facilities referred to in this Bylaw has been entered into between the Town and the Owner or Occupier of the Lands, 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 Off-Site Levy shall continue in force as if this Bylaw or any intervening Off-Site Levy Bylaw had not been enacted.
15. Nothing in this Bylaw precludes the Town from deferring collection of Levies for the stated objects of this Bylaw, on any portion of the Lands in respect of which the Town has not collected Levies.
16. Bylaw 2007/03 is hereby repealed.
17. This Bylaw shall take effect upon third and final reading.

Read a first time this 22nd day of July, 2015.

Read a second time this 4th day of August, 2015.

Read a third and final time this 4th day of August, 2015.

ORIGINAL SIGNED  
MAYOR

ORIGINAL SIGNED  
CHIEF ADMINISTRATIVE OFFICER

## SCHEDULE "A"

1. Pursuant to Section 6 of the within Bylaw a Levy shall be collected as follows in respect of the Lands:

### **Water**

- |                           |                               |
|---------------------------|-------------------------------|
| (a) Non-residential lands | \$15,315 per hectare          |
| (b) Residential lands     | \$ 1,378.00 per dwelling unit |

### **Sanitary Sewer**

- |                           |                           |
|---------------------------|---------------------------|
| (a) Non-residential lands | \$22,221 per hectare      |
| (b) Residential lands     | \$1,999 per dwelling unit |

### **Multi Unit Rate - Residential**

Four - Eight units	Water	\$1,100/suite
	Sewer	\$1,600/suite
8 plus units	Water	\$965/suite
	Sewer	\$1,200/suite

Development levies will be assessed on developable lands within the Town's boundaries as set out in Schedule B.