

**BYLAW 5-2022
OF THE
TOWN OF VERMILION
(hereinafter referred to as the "Municipality")
IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF VERMILION TO
ESTABLISH AN OFF-SITE LEVY FOR LAND THAT IS TO
BE SUBDIVIDED OR DEVELOPED WITHIN THE TOWN
OF VERMILION**

WHEREAS the *Municipal Government Act, RSA 2000, c. M-26*, as amended or repealed and replaced from time to time, permits a Council to impose a levy known as an off-site levy in respect of land to be developed or subdivided within a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 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with the *Municipal Government Act, RSA 2000, c. M-26*, and *Off-Site Levies Alberta Regulation 187/2017* as amended or repealed and replaced from time to time;

AND WHEREAS Council has advertised its intention to consider the provision of this Bylaw pursuant to the requirements of the *Municipal Government Act, RSA 2000, c. M-26*, and the *Meeting Procedures (COVID-19 Suppression) Regulation* as amended or repealed and replaced from time to time;

NOW THEREFORE the Council of the Municipality 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 Vermilion "Off-Site Levy Bylaw."
2. **Definitions**
 - 2.1 The following terms shall have the following meanings 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 Vermilion;
 - d) **"Developable Land"** shall mean all land 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, R.S.A. 2000, c. M-26, s. 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, R.S.A. 2000, c. M-26, ss. 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 identified in Schedule ‘B’, attached;
- i) **“Growth”** shall mean:
 - i. the creation of new lots through Subdivision; and
 - ii. the occurrence of Development.
- j) **“Municipality”** means the Town of Vermilion.
- k) **“Off-Site Infrastructure”** shall mean those components and projects referred to in the reports, in relation to water facilities, sanitary sewer facilities, storm water facilities and arterial roadways;
- l) **“Off-Site Levy”** means the off-site levy imposed pursuant to this Bylaw under the authority of the *Municipal Government Act, RSA 2000, c. M-26*, as amended or repealed and replaced from time to time;
- m) **“Off-Site Levy Framework Policy”** means the policy referred to as Schedule ‘C’ which outlines when and how levies are assessed.
- n) **“Off-Site Levy Model”** means the macro enabled excel workbook that generates the new off-site levy rates for each year.
- o) **“Off-Site Levy Report”** means the supporting document for the road, water, sanitary, and stormwater off-site levy infrastructure costs.
- p) **“Subdivision”** means “subdivision” as defined in the *Municipal Government Act, R.S.A. 2000, c. M-26, s. 616*, as amended or repealed and replaced from time to time.

3. Imposition of Levy

- 3.1 There is hereby imposed a levy which shall be known as an Off-Site Levy in respect of all Developable Land.
- 3.2 The amount of the Off-Site Levy imposed is as calculated in Schedule ‘A’.
- 3.3 The Off-Site Levy is comprised of the off-site infrastructure, and pursuant to the calculation details contained in this Bylaw, the Off-Site Levy Model, and the Off-Site Levy Report.
- 3.4 The Off-Site Levy will be assessed on all Developable Land within the Development Region on a per acre basis as provided in Schedule ‘A’ of this Bylaw, excluding those portions of Developable Land that are identified as:
 - a) Environmental Reserve;
 - b) Municipal Reserve; and

- c) Road right-of way; and
- d) Town owned land used for municipal purposes.

3.5 Unless otherwise agreed upon, the Off-Site Levy is due prior to the endorsement of subdivision approval for the development region or the issuance of a development permit in relation to the subject parcel.

4. **Objects, Principles and Criteria**

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

- a) This Bylaw creates an Off-Site Levy to provide funds for the construction of off-site infrastructure required for growth.
- b) Development in growth areas through Off-Site Levies will provide the capital that will fund the infrastructure required for growth. Those who benefit from the infrastructure, which is defined by all developable land in the development region, should share proportionally, on a per hectare basis, in related costs.
- c) 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.
- d) Off-Site infrastructure will be provided to maintain sustainable, cost effective and orderly growth.
- e) The calculation of the Off-Site Levy should be an open and transparent process.
- f) 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 industry.
- g) The Off-Site Levy will help allow the Municipality to recover the cost of infrastructure required for growth:
 - i. Using financing strategies that remain sustainable;
 - ii. Facilitating development by reducing risk on early developers and ensuring future developers share the costs of the facilities from which they benefit; and
 - iii. Promoting cost effective and orderly development.
- h) The Off-Site Levy will help promote orderly development by:
 - i. Providing off-site infrastructure, once the appropriate planning is in place, and when warranted in development; and
 - ii. Providing infrastructure for contiguous development.
- i) The Off-Site Levy will help create a transparent process by:
 - i. Providing opportunity for industry input into the levy, its definition and administration;
 - ii. Conforming with the *Municipal Government Act, R.S.A. 2000, c. M-26*, and *Off-Site Levies Alberta Regulation 187/2017* as amended or repealed and replace from time to time; and
 - iii. Providing reports on the Off-Site Levy.
- j) The Off-Site Levy will help create a clear process for calculation of the rate, levies and credits by:
 - i. Creating consistent and predictable levies and credits;

- ii. Creating predictable and stable levies over time; and
- iii. Documenting a process for establishing the levy rate.

5. **Development Agreements**

- 5.1 The entering into of a development agreement with respect to, amongst other things, the collection of an Off-Site Levy is hereby authorized.
- 5.2 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.
- 5.3 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.
- 5.4 Where it is determined that a development agreement is appropriate for any application for development or subdivision, the applicant or the owner, as the case may be, shall enter into a development agreement with the Municipality and such development agreement shall ensure that:
 - a) 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
 - b) 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.

6. **Accounting**

- 6.1 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, R.S.A. 2000, c. M-26*, as amended or repealed and replace from time to time.


7. **General**

- 7.1 Nothing in this Bylaw precludes the Municipality from:
 - a) 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;
 - b) deferring collection of the Off-Site Levy for the stated objects of this 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
 - c) reducing or forgiving payment of the Off-Site Levies required pursuant to this 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.

This Bylaw shall take effect and come into force effective after final reading and signature thereof by the Chief Elected Official and Chief Administrative Officer, or their authorized delegates.

Bylaw No. 3-2020 is hereby repealed.

READ A FIRST TIME IN COUNCIL THIS 21 DAY OF June,
A.D. 2022.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

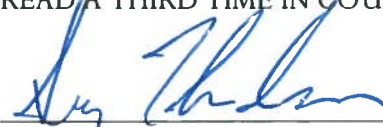
PUBLIC HEARING HELD ON THIS 19 DAY OF July, A.D. 2022.

READ A SECOND TIME IN COUNCIL THIS 19 DAY OF July, A.D. 2022.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

READ A THIRD TIME IN COUNCIL THIS 19 DAY OF July, A.D. 2022.


MAYOR


CHIEF ADMINISTRATIVE OFFICER