

Capital Expenditure Charge Bylaw Consolidated 2009

Union Bay Improvement District

BYLAW NO. 187

Bylaw to fix a charge for Capital Expenditures on parcels of land and to provide for the time and manner of payment.

WHEREAS pursuant to Section 746(1)(f) of the *Local Government Act* the Trustees may, by bylaw, fix capital expenditure charges under the terms and conditions as set out in the bylaw;

AND WHEREAS the capital expenditure charges may be fixed for the sole purpose of providing funds to the improvement district to pay the capital cost of providing, constructing, altering, or expanding water facilities in order to service directly or indirectly, the development in respect to which the charges are fixed;

AND WHEREAS in the opinion of the Trustees the charges fixed by this bylaw are related to capital costs attributable to projects identified in the capital expenditure program of the improvement district;

The Trustees of the District **ENACT AS FOLLOWS:**

1. In addition to other charges applicable under other bylaws of the Union Bay Improvement District, every person who develops land shall pay the applicable capital expenditure charge as set out in Schedule "A" attached to and forming part of this bylaw.
2. Every person who obtains:
 - a. approval of a subdivision of a parcel of land under the *Land Title Act* or the *Condominium Act* or;
 - b. approval of an application for service

shall pay at the time of the approval of the subdivision or the approval of the application for service, as the case may be, to the Union Bay Improvement District the applicable capital expenditure charges as set out in Schedule "A" attached to and forming part of this bylaw.

3. A capital expenditure charge is not payable where:
 - a. the development does not impose new capital cost burdens on the improvement district or;
 - b. a capital expenditure charge has previously been paid for the same development, unless as a result of further development new capital cost burdens will be imposed on the improvement district.
4. In fixing capital expenditure charges by this bylaw, the Trustees have taken into consideration future land use patterns and development and the phasing of works and services and whether the charges
 - a. are excessive in relation to the capital cost of prevailing standards of service in the improvement district or;
 - b. will deter development in the improvement district or;
 - c. will discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the improvement district.

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5. All sums of money collected under this bylaw shall be deposited in a special reserve fund separate from all other funds of the improvement district. The improvement district shall use money deposited in the reserve fund plus all interest or earnings thereon for the purposes for which it was deposited, namely to:
 - a. pay the capital costs of providing, constructing, altering or expanding water facilities included in the capital expenditure program on which the charge was based, in order to serve directly or indirectly, the development in respect to which the charge was collected, or;
 - b. pay principle and interest on a debt incurred by an improvement district as a result of an expenditure referred to in section 5(a).
6. Monies shall be disbursed by bylaw passed by the Trustees and approved by the Inspector of Municipalities.
7. The following bylaws are hereby repealed: #100 Campground, Camp Sites and/or Recreational Vehicle Site Capital Expenditure Charge Bylaw (1990) and #123 Capital Expenditure Charge on Parcels of Land Bylaw (1994).
8. This by-law may be cited as the "#187 Comprehensive Capital Expenditure Charge (Water) Bylaw (2004)".

INTRODUCED and given first reading by the Trustees on the 12th day of May 2004.

RECONSIDERED and finally passed by the Trustees on the 12th day of May 2004.

Passed May 12, 2004 Registered June 8, 2004

Consolidated March 25, 2009 – new schedule

Brenda Fisher, Administrator, Union Bay Improvement District

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**Schedule "A" – Revised March 25, 2009
Bylaw No. 187 Capital Expenditures Charges (2004)**

Capital Expenditure Charges (Water Facilities)

Land Use Basis of Assessment Charge

A. Residential

- 1) Each parcel of land for a connection to the waterworks \$8,100.00.
- 2) Each and every manufactured home pad or space built or provided for in a manufactured home park \$8,100.00.
- 3) Each and every newly developed lot in a subdivision \$8,100.00.
- 4) Each and every unit in a proposed multiple occupancy building \$6,400.00.
- 5) Each and every trailer pad or space built or provided for in the manufactured home park or trailer court \$8,100.00.

B. Commercial/Institutional \$2,200 per 1,000 sq. ft. of floor space.

C. Industrial \$41,350 per hectare.