

BYLAW NO. 1225-21
BEING A BYLAW OF
MACKENZIE COUNTY
IN THE PROVINCE OF ALBERTA

TO PROVIDE FOR OFF-SITE LEVIES FOR THE PURPOSE OF NORTH SANITARY TRUNK SEWER IN THE HAMLET OF LA CRETE

WHEREAS, pursuant to section 648 of the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, a municipality has the authority to pass an Off-Site Levy Bylaw; and

WHEREAS, the Council of Mackenzie County, in the province of Alberta, has deemed it necessary to establish an Off-Site Levy Bylaw to pay for the capital costs of new sanitary trunk sewer facilities in the Hamlet of La Crete; and

WHEREAS, the Council of Mackenzie County deems it necessary to require agreements to be entered into with owners of the lands within the boundaries of the Benefitting Areas that are to be subdivided or developed in respect of the payment of the Off-Site Levy; and

WHEREAS, Mackenzie County has prepared a La Crete North Sanitary Trunk Sewer Design Report;

NOW THEREFORE, the Council of Mackenzie County, in the province of Alberta, duly assembled, hereby enacts as follows:

1. **CITATION**

1.1 This bylaw may be cited as the La Crete North Sanitary Off-Site Levy Bylaw and referred to herein as “this Bylaw”.

2. **DEFINITIONS**

2.1 For the purposes of this Bylaw the following definitions shall apply:

- a) Act – means the *Municipal Government Act*, RSA 2000, Chapter M-26, and amendments thereto;
- b) Administration – means Mackenzie County Administrative Staff;
- c) Benefitting Lands – means those areas located within Mackenzie County which will benefit from the Off-Site Infrastructure or Improvements subject of this Bylaw;

- d) Council – means the Municipal Council of Mackenzie County in the Province of Alberta, as duly elected and defined in the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto;
- e) County – means the municipal district of Mackenzie County in the Province of Alberta;
- f) Developer – means a person or entity who submits a Subdivision or Development Permit Application, pursuant to this Bylaw;
- g) Off-Site Infrastructure *or* Off-Site Improvements – means the projects specified in Schedule “A” of this Bylaw for the purposes of sanitary trunk sewer in the Hamlet of La Crete.

3. **APPLICATION**

- 3.1 The total recoverable cost of the Off-Site Infrastructure, subject of this Bylaw is shown in Schedule “A” Section 6.0;
- 3.2 The Off-Site Levy fee is applicable to any Benefiting Lands as shown in Schedule “A” Figures 1 & 2;
- 3.3 The Off-Site Levy fee is charged in accordance with Schedule “A” Executive Summary;
- 3.4 Where it is determined that a development agreement is appropriate for an application for development or subdivision, the developer shall enter into a development agreement with the County and such development agreement shall ensure:
 - a. that provision is made for the payment of the Off-Site Levies as specified in this Bylaw with reasonable interest on the cost of improvements paid for in whole or in part by the municipality as established under the conditions of approval of the development permit for subdivision approval; or
 - b. that provision may be made for the deferring of payment of the Off-Site Levies to a future time certain or uncertain.
- 3.5 In the event that any of the Off-Site Levies imposed by this Bylaw or any other County Bylaw are not paid at the time specified in the development agreement, the County’s Chief Administrative Officer is hereby authorized to impose the unpaid sums of money on the lands that are subject of the development agreement, and thereafter collect the same as unpaid taxes in accordance with the provisions of the Act.

4. **SEVERABILITY**

4.1 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 continued as if it had been enacted without the illegal, invalid, or ultra vires provision.

5. **REPORTING**

5.1 Administration will review the status of Off-Site Levies and provide a report to Council on an annual basis.

6. **ENACTMENT**

6.1 Schedule "A" forms part of this bylaw.

6.2 This Bylaw shall come into force and effect upon the date of passing of the third and final reading.

READ a first time this 26th day of May, 2021.

READ a second time this 23rd day of June, 2021.

READ a third time and finally passed this 23rd day of June, 2021.

(original signed) _____

Joshua Knelsen
Reeve

(original signed) _____

Lenard Racher
Chief Administrative Officer

Schedule "A"
La Crete North Sanitary Trunk Sewer Design Report
