

BYLAW NO. 3302

A BYLAW OF THE CITY OF MEDICINE HAT to provide for payment of taxes by instalments.

WHEREAS the *Municipal Government Act*, S.A. 1994 c. M-26.1, allows a council by bylaw to permit payment of taxes by instalments, at the option of the taxpayer.

AND WHEREAS Council considers it to be advisable to establish a tax instalment payment plan;

NOW THEREFORE THE MUNICIPAL CORPORATION OF MEDICINE HAT IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. TITLE

This Bylaw may be referred to as the "Tax Instalment Payment Plan Bylaw".

2. TAX INSTALMENT PAYMENT PLAN

There is hereby established a plan for payment of taxes by instalments to be known as the "Tax Instalment Payment Plan".

3. DEFINITIONS

In this Bylaw

- (1) "City" means the City of Medicine Hat;
- (2) "charge" means a charge equal to the amount levied on the drawer of a dishonored cheque, as described in Bylaw No. 3224 or any successor bylaw;
- (3) "Collections Coordinator" means the person or persons in the City's Finance Department assigned the responsibility of administering this Bylaw;
- (4) "Plan" means the Tax Instalment Payment Plan established pursuant to Section 2;
- (5) "taxes" means all the taxes imposed by the City pursuant to the *Municipal Government Act* or any other statute of the Province of Alberta, including but not limited to property taxes, business taxes, local improvement taxes and business revitalization zone taxes;
- (6) "taxpayer" means a person liable to pay taxes; and
- (7) "year" means calendar year.

4. APPLICATION

- (1) A taxpayer may apply to the Collections Coordinator to pay taxes pursuant to the Plan. Taxes paid in accordance with the Plan shall be paid in monthly instalments by pre-authorized transfer of funds from an account of the taxpayer at a Bank, Treasury Branch, Trust Company, or Credit Union on the first day of each calendar month.
- (2) Applications must be made in writing to the Collections Coordinator on or before June 30th of the year in which the taxpayer intends to commence paying taxes pursuant to the Plan.
- (3) Applications received from January 1st to June 30th of the year in which the taxpayer intends to commence paying taxes pursuant to the Plan will require an initial payment equal to the total of all past due instalments, as calculated under subsection 5(2), plus a late filing fee of 2% calculated on the total of the past due instalments.
- (4) Applications received after June 30th and on or before December 31st of any year will be considered as applications to commence payments under the Plan as of January 1st in the following year.
- (5) An application pursuant to subsection (1) shall be approved by the Collections Coordinator provided the following conditions have been satisfied:
 - (a) all outstanding taxes, tax arrears and penalties owed to the City by the taxpayer have been paid; and
 - (b) the taxpayer shall have completed all agreements and forms prescribed by the Collections Coordinator.
- (6) Subject to sections 8 and 9, upon approval of an application by a taxpayer pursuant to this section the taxpayer shall pay taxes from year to year pursuant to the Plan without further application under this Bylaw.

5. MONTHLY INSTALMENTS

- (1) For each year during which taxes are paid pursuant to the Plan, taxes shall be paid by twelve (12) monthly instalments calculated pursuant to this section and payable on the first day of each month of the year.
- (2) Subject to section 11, the amount of the monthly instalments to be paid pursuant to subsection (1) shall be calculated as follows:
 - (a) for the months of January to June the monthly instalments shall be equal to one-twelfth (1/12) of the taxes payable by the taxpayer for the immediately preceding year; and

- (b) for the months July to December the monthly instalments shall be equal to one-sixth (1/6) of the balance remaining on the current year's tax account.

6. PENALTIES

Provided that a taxpayer paying taxes under the Plan pays each monthly instalment, penalties pursuant to the Tax Penalties Bylaw, being Bylaw No. 3191, or any successor bylaw, shall not be applied to the taxes or any portion thereof.

7. DISCOUNTS FOR PREPAYMENTS

Subject to subsection 8(2), a taxpayer paying taxes under the Plan shall not be entitled to receive a discount pursuant to the Tax Discount Bylaw being Bylaw No. 3198 or any successor bylaw.

8. WITHDRAWAL FROM PLAN

- (1) A taxpayer paying taxes pursuant to the Plan may withdraw from the Plan at any time upon at least two (2) weeks written notice to the Collections Coordinator.
- (2) In the event that a taxpayer withdraws from the Plan on or before June 30,
 - (a) the taxes for the current year paid to the date of withdrawal shall be retained by the City and credited towards the balance of the taxes payable for the current year;
 - (b) the taxpayer shall be entitled, from the date of withdrawal forward, to such discounts as would have been applicable pursuant to the Tax Discount Bylaw, or any successor bylaw, if the taxes for the current year paid to the date of withdrawal had been paid other than under the Plan; and
 - (c) the taxpayer shall be liable to penalties pursuant to the Tax Penalties Bylaw, or any successor bylaw, on all amounts of taxes remaining unpaid as of June 30 of the current year.
- (3) In the event that a taxpayer withdraws from the Plan after June 30,
 - (a) the taxes for the current year paid to the date of withdrawal shall be retained by the City and credited towards the balance of taxes payable for the current year;
 - (b) the balance of the taxes payable by the taxpayer for the current year shall immediately become due and payable; and

- (c) the taxpayer shall be liable to pay penalties on unpaid taxes accruing following withdrawal from the Plan pursuant to the Tax Penalties Bylaw, or any successor bylaw.

9. DEFAULT

- (1) If a monthly instalment of taxes is not paid on the first day of the month a charge shall be imposed on the taxpayer.
- (2) In the event that a monthly instalment is not paid as provided for in subsection (1) the Collections Coordinator may increase the amounts of future monthly instalments to account for the missed payment and the charge.
- (3) In the event that a taxpayer fails to pay two monthly instalments, the participation of the taxpayer in the Plan may be cancelled by the Collections Coordinator.
- (4) In the event that the participation of a taxpayer in the Plan is cancelled:
 - (a) all taxes paid for the current year pursuant to the Plan shall be retained and credited towards the balance of the taxes payable by the taxpayer for the current year;
 - (b) the taxpayer shall be entitled, from the date of cancellation forward, to such discounts as would have been applicable pursuant to the Tax Discount Bylaw, or any successor bylaw, if the taxes for the current year paid to the date of cancellation had been paid other than under the Plan; and
 - (c) the taxpayer shall be liable to pay all charges and penalties
 - (i) levied on outstanding monthly instalments; and
 - (ii) accruing following cancellation on the amount of taxes remaining unpaid, as provided for in the Tax Penalties Bylaw or any successor bylaw.

10. SALE OF LAND

- (1) A purchaser of property with respect to which payment of taxes is made pursuant to the Plan may apply to the Collections Coordinator to continue payment of taxes pursuant to the Plan.
- (2) An application pursuant to subsection 10(1) shall be approved by the Collections Coordinator provided the following conditions have been satisfied:
 - (a) all outstanding taxes, tax arrears, charges, and penalties owed to the City with respect to the property have been paid; and

- (b) the purchaser shall have completed all agreements and forms prescribed by the Collections Coordinator.

11. ADJUSTMENT OF MONTHLY INSTALMENTS

- (1) In addition to any other revisions or adjustments described in this Bylaw, the Collections Coordinator may revise or adjust the amounts of monthly instalments payable under the Plan:
 - (a) to reflect changes to the assessed value of the property or business, or tax rate, as may be required;
 - (b) to reflect the imposition or termination of local improvement charges;
 - (c) to provide for payment pursuant to the Plan, of amounts which in the event of non-payment are deemed at law to be taxes or to be recoverable as or in the same manner as taxes; and
 - (d) upon written request of a taxpayer to increase the monthly instalments payable by the taxpayer.

12. TRANSITION

A taxpayer paying taxes pursuant to Bylaw No. 2717 on the date that this Bylaw comes into force shall continue to make payments under the Plan in accordance with the provisions of this Bylaw.

13. Bylaw No. 2717, the Tax Instalment Payment Plan Bylaw, is repealed.


14. This Bylaw shall come into force at the beginning of the day that it is passed.

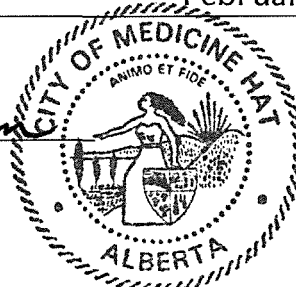
READ A FIRST TIME in open Council on February 5, 2001

READ A SECOND TIME in open Council on February 5, 2001

READ A THIRD TIME in open Council on February 5, 2001

SIGNED AND PASSED on February 6, 2001


MAYOR - TED J. GRIMM




CITY CLERK - LARRY P. GODIN

BETTY KOCH
ASSISTANT CITY CLERK