

BYLAW NO. 4157

CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT to establish an off-site levy.

WHEREAS a council may pass a bylaw providing for the imposition and payment of off-site levies in respect of lands that are to be developed or subdivided and to authorize agreements to be entered into in respect of the payment of the levies.

AND WHEREAS certain lands within the corporate boundaries of the City are proposed for subdivision or residential, commercial or industrial developments.

AND WHEREAS Council for the City of Medicine Hat requires an expenditure for capital costs for:

- water supply, transmission, treatment and storage facilities;
- sanitary sewage treatment, movement and disposal facilities;
- storm sewer drainage facilities;
- roads required for or impacted by subdivision or development; and
- land required for or in connection with any facilities, as mentioned above,

because of population growth now occurring in the City.

AND WHEREAS the City has had a series of meetings and discussions with representatives of the development industry to address and define existing and future infrastructure requirements of the City and to allocate the costs to the beneficiaries of development on an equitable basis related to the degree of benefit.

Amended by:
Bylaw 4721
Nov. 22, 2022

AND WHEREAS City Administration has consulted with representatives in the development industry and has presented the methodology for the OSL framework and rates.

AND WHEREAS the City presently imposes and collects off-site levies.

AND WHEREAS Council has advertised its intention to consider the provisions of this Bylaw pursuant to section 606 of the *Municipal Government Act*.

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

1. This Bylaw may be referred to as the Off-Site Levy Bylaw.

Definitions

2. For the purposes of this Bylaw, the following words shall be defined as follows:
 - (a) **“Act”** means the *Municipal Government Act*, R.S.A. 2000, c.M-26 and regulations passed pursuant to the *Act*;
 - (b) **“applicant”** means the person who applies for subdivision or development approval;

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- (b.1) **“benefitting area”** means one or more off-site levy areas that directly benefits from the leviable infrastructure, where the benefit is defined as furthering the availability of access or servicing. A map showing the twelve (12) benefitting areas within the City is included as Schedule “D” of this Bylaw.
- (c) **“Chief Administrative Officer”** means the Chief Administrative Officer Municipal Services for the City and includes any person appointed as the delegate for the Chief Administrative Officer or any person appointed to act in the absence of the Chief Administrative Officer;
- (d) **“City”** means the municipal corporation of Medicine Hat or where the context requires, the area within the boundaries of the City;
- (e) **“Construction Completion Certificate”** means the document issued by the City certifying construction completion;
- (f) **“Council”** means the Council of the City of Medicine Hat;
- (g) **“date of plan endorsement”** means the date the City’s subdivision authority endorses a plan of subdivision;
- (h) **“development”** has the meaning provided for in the Act;
- (i) **“development area”** means that area of a parcel of land that is to be developed pursuant to a development permit and, for greater certainty but without restricting the generality of the foregoing, includes that area of land to be used for the principal uses, accessory uses, parking, loading, vehicle access points, walkways, lighting, landscaping and fencing;
- (j) **“development permit”** means a permit issued in accordance with the City’s Land Use Bylaw;
- (k) **“dwelling unit”** means self-contained living premises with sleeping, cooking and sanitation facilities;
- (l) **“levy”** means an off-site levy imposed and created by this Bylaw pursuant to the Act;
- (m) **“parcel of land”** has the meaning provided for in Part 17 of the Act;
- (n) **“plan of subdivision”** has the meaning provided for in the Act;
- (o) **“prime rate”** means at any time the annual rate of interest published by the Alberta Treasury Branches at its main branch in Medicine Hat as the prime rate for the Alberta Treasury Branches;
- (p) **“servicing agreement”** means an agreement as referred to in the Act in section 650 or 655;
- (q) **“subdivision”** has the meaning provided for in the Act;
- (r) **“subdivision area”** means that area of a parcel of land, less environmental reserve, municipal reserve and arterial road right of way, that is the subject of a subdivision and that is proposed for development but does not include the remnant, if any.

Establishment of Levy

3. Levies are imposed upon land in the City that is to be subdivided or developed and for which no off-site levies have previously been paid.

Object of Levy

4. The object of the levies is to pay for all or part of the capital costs 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;
 - (d) new or expanded roads required for or impacted by a subdivision or development; and
 - (e) land required for or in connection with any facilities described in (a) to (d) above

as determined in the CORVUS Off-Site Levy Review incorporated into this Bylaw as Schedule "E".

Amount of Levy

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5. (a) The City shall be divided into benefiting areas as shown on Schedule "D" for the purposes of calculating the levies to be imposed on land to be subdivided or development within those areas.

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- (b) Deleted.
- (c) The amount of the levies and the method of determining the amount of the levies are set out in Schedule "A".

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Imposition of Levy

6. (a) Subject to section 3, levies shall be imposed on all subdivision areas and development areas and shall be paid in accordance with Schedule "B".
- (b) Levies are not imposed on a subdivision area or development area, where the subdivision or development does not significantly increase the burden on off-site infrastructure, as determined by the Chief Administrative Officer. Levies are deemed to have been imposed whether or not the imposition of the levies is made a specific condition of subdivision or development approval.
- (c) Levies are deemed to have been imposed whether or not the imposition of the levies is made a specific condition of subdivision or development approval.

Payment of Levy

7. (a) Levies shall be paid at the time of payment specified in Schedule "B".

- (d) Interest on any outstanding levy shall be calculated from the time of payment at prime rate plus 4%, compounded annually.
- (e) Any payment of a levy pursuant to this Bylaw which is not made when due shall be a debt owing to the City by the applicant. This provision does not in any way affect any other remedy available to the City for late or non-payment of a levy.

Agreements

- 8. The entering into of a servicing agreement in respect of payment of levies is hereby authorized.

Review of Levy Rates

Amended by:
Bylaw 4721
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- 9. (a) The City shall review the levy projects and the levy rates at least every two (2) years.
- (b) After the review has been completed, the City may amend this Bylaw to update the levy rates.

Subsidies

- 10. (a) The Council may by resolution direct that the City subsidize the payment of any levy imposed under this Bylaw, from one or more funding sources identified in the resolution, in any amount up to and including the whole amount of the levy.
- (b) If the Council has passed a resolution under subsection 10(a), then the amount of the subsidy must be reviewed by the Chief Administrative Officer every other year in conjunction with that year's review of levy projects and levy rates under subsection 9(a), and the Council may at that time pass a resolution to rescind the previous resolution and impose a different level of subsidy, if any, which resolution may be passed by simple majority despite any provision of the Procedure Bylaw.

Annual Report

- 11. The City shall report annually to Council regarding the levies in a format acceptable to the Chief Administrative Officer.

Severability

- 12. In the event that any provision of this Bylaw is found to be contrary to law by any Court of competent jurisdiction, then that provision shall be severed and the remainder of the Bylaw shall be of full force and effect.

Transition

- 13. (a) This Bylaw applies to:
 - (i) any subdivision where the date of subdivision approval occurs on or after the date this Bylaw comes into force; and
 - (ii) any development where the date of issuance of a development permit occurs on or after the date this Bylaw comes into force.
- (b) Notwithstanding subsection 13(a) and section 15, the off-site levy rates set out in Bylaw No. 3746 shall continue to apply to developments located within the

subdivisions listed in Schedule "C" of this Bylaw, and the timing and amount of payment shall be as set out in Schedule "C".

- (c) Notwithstanding subsection 13(a) and section 15, the off-site levy rates set out in Bylaw No. 3054 shall continue to apply to developments located within the subdivisions listed in Schedule "C" of this Bylaw, and the timing and amount of payment shall be as set out in Schedule "C".

General

14. Nothing in this Bylaw precludes the City from:

- (a) imposing further or different off-site levies, duly enacted by bylaw, on any land in respect of which the City has not collected the off-site levies imposed under this Bylaw or any previous off-site levy bylaw authorized by statute; or
- (b) adopting policies, procedures or guidelines for the assistance and direction of City administration with respect to the implementation of this Bylaw.

Repeal

15. Bylaw 3746 is hereby repealed.

Enactment

16. This Bylaw shall come into force on January 1, 2014.

Amended by:
Bylaw 4721
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Schedules

17. (a) Schedules "A", "B", "C", "D", and "E" form part of this Bylaw.

- (b) To the extent of any inconsistency between
- (i) the Bylaw including Schedules "A", "B", "C" and "D"; and
- (ii) Schedule "E"

the provisions of the Bylaw including Schedules "A", "B", "C" and "D" shall govern.

Rules of Interpretation

17. The headings in this Bylaw are for reference purposes only and do not form a part of the Bylaw.

READ A FIRST TIME in open Council on August 6, 2013.

READ A SECOND AND THIRD TIME in open Council on September 3, 2013.

SIGNED AND PASSED on September 4, 2013.

I HEREBY CERTIFY that this is a true and correct copy of Bylaw No. 4157 consolidated pursuant to Section 69 of the *Municipal Government Act* to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS _____ DAY OF _____, 20____.

Arlene Karbashewski
Municipal Secretary and City Clerk
City of Medicine Hat

SCHEDULE “A”

AMENDED BY BYLAW 4721 – NOVEMBER 22, 2022 (Effective January 1, 2023)

AMOUNT OF LEVIES

Storm Sewer, Sanitary Sewer, Roads and Water

1. The levy amount applicable to land to be subdivided or developed and located within a benefitting area identified in Schedule “D” shall be determined by reference to the benefitting area in which the land is located. Table A-1 of this schedule sets out the amount of the levies for land within each benefitting area.
2. The levies for storm sewer, sanitary sewer, roads and water shall be calculated in accordance with the following:

Storm Sewer Levy	=	amount referred to in Table A-1 of this schedule, as applicable	x	subdivision area or development area (in hectares)
Sanitary Sewer Levy	=	amount referred to in Table A-1 of this schedule, as applicable	x	subdivision area or development area (in hectares)
Roads Levy	=	amount referred to in Table A-1 of this schedule, as applicable	x	subdivision area or development area (in hectares)
Water Levy	=	amount referred to in Table A-1 of this schedule, as applicable	x	subdivision area or development area (in hectares)

TABLE A-1

Benefitting Area	Transportation Levies (\$/ha)	Water Levies (\$/ha)	Sanitary Levies (\$/ha)	Stormwater Levies (\$/ha)	Total Levies (\$/ha)
1	\$20,809	-	\$28,004	-	\$48,813
2	\$20,809	\$15,052	\$65,774	-	\$101,635
3	\$20,809	\$15,052	\$82,756	\$31,351	\$149,968
4	\$20,809	\$15,052	\$82,756	\$31,351	\$149,968
5	\$20,800	\$11,658	\$854	-	\$33,331
6	\$20,809	-	\$28,858	-	\$49,667
7	\$20,809	-	\$81,902	-	\$102,711
8	-	-	-	-	-
9	\$20,809	-	\$42,601	-	\$63,411
10	\$20,809	-	\$38,828	-	\$59,637
11	\$20,809	-	\$116,926	-	\$137,736
12	\$20,809	-	\$126,778	\$20,719	\$168,307

SCHEDULE “B”

**AMENDED BY BYLAW 4721 – NOVEMBER 22, 2022
(Effective January 1, 2023)**

TIME OF PAYMENT

For land that is to be subdivided or developed, the time of payment shall be as follows:

1. Where levies are imposed on a subdivision area by subdivision approval, the levies shall be paid at the following times:

Levy	Time of Payment	Amount of Levy
Storm Sewer	Date of Plan Endorsement	As per Schedule “A”
Sanitary Sewer	Date of Plan Endorsement	As per Schedule “A”
Roads	Date of Plan Endorsement	As per Schedule “A”
Water	Date of Plan Endorsement	As per Schedule “A”

- 1(a). Where levies are imposed, levy amounts are as per Schedule “A” at the date of plan endorsement.
2. Where levies are imposed on a development area by the issuance of a development permit, the storm sewer levy, the sanitary sewer levy, the roads levy and the water levy shall be paid on the date of issuance of the development permit.
- 2(a). Where levies are imposed, levy amounts are as per Schedule “A” at the date of issuance of the development permit.

Schedule “C”

**AMENDED BY BYLAW 4434 - AUGUST 22, 2017
(Effective September 1, 2017)**

Subdivision Off-Site Levies Under Previous Bylaws

Subdivisions Under Off-Site Levy Bylaw No. 3054 With Outstanding Water, Sanitary Sewer and Storm Sewer Levies

A levy (representing a water levy, a sanitary sewer levy and a storm sewer levy) of \$1,251.00 per dwelling unit will be charged at the development permit stage for R2, R3, R4 and R5P developments only in the following subdivisions, unless the levies (water, sanitary and storm) were previously paid.

- Ranchlands Phases 2A, 2D and 3A
- Southlands Phases 1, 4, 5A and 5B

Subdivisions Under Off-Site Levy Bylaw No. 3746 With Outstanding Water Levies

For developments occurring in the following subdivisions, the water levy listed below will be charged at development permit stage, unless the water levy was previously paid.

- Box Springs Phase 1B2
- Box Springs (Event Centre)
- Box Springs (Power Centre) Phase 1A
- Hamptons Phases 2A, 2B and 2C
- Ranchlands Phase 3B
- South Vista Phases 10 and 11
- Southlands Phases 6A, 6B and 6C
- Saamis Heights Phase 7

The per lot water levy for non-residential uses shall be \$8,745.00.

The per lot water levy for residential developments is based on the number of dwelling units according to the following table:

No. of Dwelling Units	Water Levy
1	\$ 2,630
2	\$ 3,680
3	\$ 4,455
4	\$ 5,245
5-7	\$ 6,295
8-10	\$ 7,875
11-15	\$ 9,440
16-20	\$ 11,020
21-30	\$ 13,120
31-40	\$ 15,475
41-50	\$ 17,575
51-60	\$ 19,410
61-80	\$ 22,030
81-100	\$ 24,915
Over 100	\$ 26,225

Subdivisions under Off-Site Levy Bylaw No. 3746 with Outstanding Roads Levies

A roads levy, in the amounts stated below, is due and payable at the Construction Completion Certificate stage for the following subdivisions, as per subdivision approval.

- Hamptons 2C (\$197,256.52)

Schedule “D”

AMENDED BY BYLAW 4721 – NOVEMBER 22, 2022
(Effective January 1, 2023)

Map of Benefitting Areas



Benefitting Areas			
No.	Name	No.	Name
1	North Reserve Lands	7	Burnside
2	North West Industrial Park	8	Established Area
3	Box Springs Business Park	9	Airport Lands
4	Brier Park	10	Westvue
5	Brier Run	11	South West Residential
6	Ranchlands	12	South East Residential

Schedule “E”

**AMENDED BY BYLAW 4721 – NOVEMBER 22, 2022
(Effective January 1, 2023)**

**CORVUS Off-Site Levy Rates Review
(Separate Attachment)**

Schedule “F”

**AMENDED BY BYLAW 4721 – NOVEMBER 22, 2022
(Effective January 1, 2023)**

DELETED