

**BYLAW NUMBER 38M2009**

**BEING A BYLAW OF THE CITY OF CALGARY TO AUTHORIZE  
OFF-SITE LEVIES FOR WATER AND SANITARY SEWER MAINS  
WITHIN THE CENTRE CITY AREA PURSUANT TO SECTION 648  
OF THE MUNICIPAL GOVERNMENT ACT**

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**WHEREAS** pursuant to s.648 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, Council may provide for the imposition and payment of an off-site levy in respect of land that is to be developed or subdivided and to authorize agreements to be entered into in respect of the payment of the levy;

**AND WHEREAS** pursuant to s.648 of the *Municipal Government Act* an off-site levy may be used to pay for all or part of the capital cost of new or expanded facilities or land required for or in connection with any new or expanded facilities for:

- (a) the storage, transmission, treatment or supplying of water;
- (b) the treatment, movement or disposal of sanitary sewage;
- (c) storm sewer drainage; or
- (d) roads required for or impacted by a subdivision or development;

**AND WHEREAS** The City of Calgary requires funding for the costs associated with new or expanded water and sanitary sewer facilities required for or impacted by a subdivision or development within the Centre City area;

**AND WHEREAS** The City of Calgary has applied the principles and criteria set out in the *Principles and Criteria for Off-site Levies Regulation*, AR 48/2004, as amended;

**AND WHEREAS** Council has provided notice of this Bylaw pursuant to the provisions of section 606 of the *Municipal Government Act*;

**NOW, THEREFORE THE COUNCIL OF THE CITY OF CALGARY ENACTS  
AS FOLLOWS:**

1. This Bylaw may be cited as the "Centre City Levy Bylaw".

**DEFINITIONS AND INTERPRETATION**

2. (1)
  - (a) "Centre City Area" means the area identified in Schedule "A";
  - (b) "City" means the municipal corporation of The City of Calgary;
  - (c) "Manager, Urban Development" means the City employee appointed to the position of Manager, Urban Development, or the individual authorized to act in that person's place;

- (d) "Utility Levy" means an off-site levy created and imposed under this bylaw to pay for all or part of the capital costs of the construction, upgrading and replacement of water and sanitary sewer mains required for or impacted by a proposed subdivision or development in the Centre City Area;
- (2) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction all other provisions of this Bylaw remain valid and enforceable.
- (3) Any headings in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- (4) Any reference to another Act, Bylaw, regulation or agency includes a reference to the Act, Bylaw, regulation or agency as amended from time to time and a reference to any Act, bylaw, regulation or agency that may be substituted therefor.
- (5) All the schedules attached to this Bylaw shall form a part of this Bylaw.

#### OBJECT OF THE LEVY

- 3. The object of the Utility Levy is to pay for all or part of the capital costs of the construction, upgrading and replacement of water and sanitary sewer mains required for or impacted by a proposed subdivision or development in the Centre City Area.

#### CALCULATION OF THE LEVY

- 4. The Utility Levy rate is determined by dividing the cost of constructing water and sanitary sewer mains which are attributable to development in the Centre City Area, by the metres of developable frontage in the Centre City Area.

#### LEVY

- 5.
  - (1) A Utility Levy in the amount of TWO THOUSAND AND SEVENTY THREE DOLLARS (\$2,073.00) per metre of site frontage is hereby imposed on all land within the Centre City Area that is to be subdivided or developed for which a Utility Levy has not previously been paid.
  - (2) Notwithstanding subsection (1), a levy shall not be imposed on land where the application is for the development of a single detached dwelling or where the building floor area of the proposed development does not exceed the building floor area of the existing structure.
  - (3) The amount of the levy pursuant to subsection (1) shall be determined on:
    - (a) with respect to a subdivision, the date of subdivision approval; or

- (b) with respect to a development, the date a development permit is approved.

**PAYMENT OF LEVY**

- 6.
  - (1) A levy that has been imposed on a subdivision pursuant to this bylaw shall be paid on or before the date of subdivision approval, unless otherwise specified in writing by the Manager, Urban Development.
  - (2) A levy that has been imposed on a development by the issuance of a development permit shall be paid on or before the date of release of the development permit.
  - (3) Interest on any outstanding levy shall be calculated from the time of the payment at the rate of one and one half (1.5%) percent per month (18% per annum) or as otherwise provided by Bylaw 104/75, as amended from time to time.

**AGREEMENTS**

- 7. The City may enter into agreements with respect to the payment of a levy pursuant to this Bylaw.

**REVIEW OF LEVY RATES**

- 8.
  - (1) The amount of the levy rates will be automatically adjusted every year on January 1 by ZERO PERCENT (0%).
  - (2) Notwithstanding subsection (1), The City may review the levy rates annually and once a review has been completed the Bylaw may be amended to update the levy rates.

**TRANSITION**

- 9. This Bylaw applies to all subdivision or development where the date for determining a levy rate pursuant to Section 5(3) occurs on or after January 1, 2009.
- 10. The provisions of Bylaws 9M2007 and 28M2008 shall continue to apply to all subdivision or development where the date of the execution of a Master Development Agreement or development permit occurs before January 1, 2009.

**OTHER LEVIES**

- 11. Nothing in this Bylaw prevents The City from imposing or collecting further off-site levies or different levies on any land subject to this Bylaw.

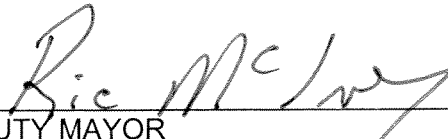
ENACTMENT

12. This Bylaw comes into force on the day it is passed.

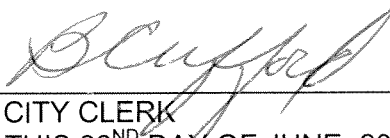
READ A FIRST TIME THIS 1<sup>ST</sup> DAY OF JUNE, 2009.

READ A SECOND TIME THIS 1<sup>ST</sup> DAY OF JUNE, 2009.

READ A THIRD TIME THIS 1<sup>ST</sup> DAY OF JUNE, 2009.



DEPUTY MAYOR  
SIGNED THIS 22<sup>ND</sup> DAY OF JUNE, 2009.



ACTING CITY CLERK  
SIGNED THIS 22<sup>ND</sup> DAY OF JUNE, 2009.

**SCHEDULE "A"**

CENTRE CITY AREA

The Centre City Area is the portion of the map below identified as "Centre City Plan Area" and described as follows:

Centre City Area means the area bounded on the north by the Bow River; on the east by the Elbow River to its intersection with 1st Street South East then north to 17th Avenue South; on the south by 17th Avenue South; and on the west by 14th Street South West.

