

KEMP LAKE WATERWORKS DISTRICT

BYLAW NO. 165

A 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 KEMP LAKE WATERWORKS District ENACT AS FOLLOWS:

1. That for the purposes of this bylaw:
 - a) "Parcel" means any lot, block or other area, which is the subject of separate registration in the Land Title Office.
 - b) "Unit" means any Dwelling Unit, Recreational Unit, Commercial Unit or Industrial Unit.
 - c) "Dwelling Unit" shall mean any room or suite of rooms used or intended to be used as a place of habitation by one or more persons and a dwelling unit shall include, without prejudice to the said generality, a single family dwelling, a trailer, a mobile home and a self-contained room or suite of rooms in a building.
 - d) "Recreational Unit" shall mean any designated area used for or intended to be used for the temporary or permanent location of a tent or a recreational vehicle of any type.
 - e) "Commercial Unit" shall mean any unit of divided space for which the use is the provision for the selling of goods and services, for the servicing and repair of goods or for commercial office functions, including retail sales, wholesaling incidental to retail sales, commercial education and entertainment services, household services and all associated repairs, other personal and non-personal services, and administrative, commercial and professional offices.

- f) "Industrial Unit" shall mean any unit of divided space for which the use is the provision for the processing, fabricating, testing, servicing, repairing or wrecking or salvaging of goods and materials, and the selling of heavy industrial equipment.
 - g) "Multiple Occupancy" shall mean any land or building upon or in which are more than one unit of whatever kind.
2. In addition to other charges applicable under other bylaws of the 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.
3. Every person who obtains:
- (a) approval of a subdivision of a parcel of land under the *Land Title Act* or the *Strata Property Act* or;
 - (b) approval of an application for the addition to the improvement district of a parcel of land or;
 - (c) approval to add additional units to a parcel of land
- shall pay at the time of the approval of the subdivision, the approval of the addition or the approval of additional unit(s), as the case may be, to the improvement district the applicable capital expenditure charges as set out in Schedule "A" attached to and forming part of this bylaw.
4. 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.
5. 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.
6. 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 must 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 6(a).
7. Monies shall be disbursed by bylaw passed by the Trustees and approved by the Inspector of Municipalities.
 8. This bylaw repeals Bylaw No. 151 of the District passed by the Trustees on the 18th day of August 2004.
 9. This by-law may be cited as the "Comprehensive Capital Expenditure Charge (Water) Bylaw 2007".

INTRODUCED and given first reading by the Trustees on the 17th day of January 2007.

RECONSIDERED and finally passed by the Trustees on the 17th day of January 2007.

SCHEDULE "A"

BYLAW NO. 165

CAPITAL EXPENDITURE CHARGES (WATER FACILITIES)

<u>Land Use</u>	<u>Basis of Assessment</u>	<u>Charge</u>
A. Residential		
	1) Per Parcel of land being created or added, includes first unit.	\$ 4,000.00
	2) Per additional unit to be constructed or added as a separate structure to a parcel of land	\$ 4,000.00
	3) Per additional unit to be constructed or added to, and within a single structure, or within a mobile home park or a recreational park.	\$ 2,000.00
B. Non-Residential		
	1) Per Parcel of land being created or added includes first unit.	\$ 4,000.00
	2) Per additional unit to be constructed or added as a separate structure to a parcel of land	\$ 4,000.00
	3) Per additional unit to be constructed or added to, and within a single structure, or within a mobile home park or a recreational park.	\$ 2,000.00