

MUNICIPALITY OF JASPER
BYLAW #049

BEING A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO AUTHORIZE A LOCAL IMPROVEMENT TAX TO ASSIST OWNERS OF CERTAIN PROPERTIES IN THE TOWN OF JASPER WITH FINANCING THE COST OF INSTALLING NEW WATER AND SEWER SERVICES.

WHEREAS the Municipality of Jasper will undertake in 2004 the installation of new water and sewer utility lines and related equipment to service residential lots in Block 42,43,and 44, and portions of Block 45 in the Town of Jasper;

AND WHEREAS property owners in the affected area will be required to connect to the new services at their cost;

AND WHEREAS certain of those property owners may experience financial stresses as a result of the cost of installing new services to their properties;

NOW THEREFORE, the Council of the Municipality of Jasper in the Province of Alberta, duly assembled, enacts:

1. CITATION

1.1 This Bylaw may be cited as the “Jasper Local Improvements Tax Bylaw”.

2. DEFINITIONS

2.1 In this Bylaw:

2.1.1 "*Leaseholder*" shall mean a grantee or a person or other legal entity holding a valid lease or licence of occupation with the federal Crown for the use or occupation of land in Jasper National Park, and shall mean Canadian National Railway in respect of lots or land parcels held by Canadian National Railway, and shall mean Jasper National Park of Canada in respect of lots or land parcels held by the Crown.

2.1.2 "*Local Improvement*" and "*Local Improvement Tax*" shall have the meanings ascribed to them in Division 7 of *Municipal Government Act* (Alberta) RSO 2000, Chapter M-26 as amended.

2.1.3 "*Municipal Manager*" shall mean the Municipal Manager of the Municipality of Jasper and includes any person authorized to act for or in the name of the Municipal Manager;

2.1.4 "*Municipality of Jasper*" and "*Municipality*" shall mean the Municipality of Jasper in Jasper National Park of Canada as described in the Agreement for the Establishment of Local Government in Jasper, June 13th, 2001;

2.1.5 "*Services*" shall mean the installation, and the materials and equipment associated with such installation, to the extent such installation, materials and equipment are on the property of a Leaseholder, of connections from:

2.1.5.1. the Municipal water and sewer system;

2.1.5.2. ATCO Gas;

2.1.5.3. ATCO Electric;

2.1.5.4. TELUS telephone; and

2.1.5.5. Shaw television cable;

2.1.6 “Town” and “Town of Jasper” shall mean the Town of Jasper as defined in the Agreement for the Establishment of Local Government in Jasper dated June 13th, 2001;

2.1.7 Words importing the masculine gender only include the feminine gender whenever the context so requires and vice versa.

2.1.8 Words importing the singular shall include the plural whenever the context so requires and vice versa.

3. LOCAL IMPROVEMENT

3.1 Council hereby authorizes the Municipal Manager to install Services to those lots in the Town of Jasper listed in Schedule “A” herein.

3.2 The Municipal Manager shall obtain written authorization from each Leaseholder on whose lot Services are to be installed.

3.3 Council hereby designates the installation of Services pursuant to Section 3.1 herein to be a local improvement within the meaning of Section 391 of the *Municipal Government Act* (Alberta) RSO 2000, Chapter M-26 as amended.

4. LOCAL IMPROVEMENT TAX

4.1 Council hereby establishes a Local Improvement Tax:

4.1.1 on each property listed in Schedule “A” herein and in respect of which the Municipal Manager has received from the Leaseholder written authorization for the installation of Services;

4.1.2 in an amount equal to the total cost of installation of the Services on all lots Serviced pursuant to Section 4.1.1, divided by the number of lots Serviced; and

4.1.3 for a period of 10 (TEN) years beginning January 1st, 2005.

4.1.4 Every Leaseholder who has provided the Municipal Manager with written authorization for the installation of Services and on whose leasehold such Services have been installed shall:

4.1.4.1. pay in full the amount calculated pursuant to Section 4.1.2 herein, without interest, on or before December 31, 2004; or

4.1.4.2. pay for 10 (TEN) years an annual amount equal to 1/10 (ONE TENTH) of the amount calculated pursuant to Section 4.1.2 herein, plus applicable interest as described in Section 5.1 herein, terms and conditions of payment in each of those years to be the same as terms and conditions of payment of Municipal taxes in each of those years; or

4.1.4.3. after paying for one or more years the amount described in Section 4.1.4.2 herein, and on or before the due date for the next payment pay the entire amount remaining with applicable interest as described in Section 5.1 herein and calculated to the date of payment by the Municipal Manager.

4.2 The Municipal Manager shall, when in receipt of a payment pursuant to Section 4.1.4.2 or Section 4.1.4.3 herein:

4.2.1 issue a receipt to the Leaseholder in respect of whose property the payment was received; and

4.2.2 discontinue the Local Improvement Tax in respect of that property.

5. INTEREST

5.1 The annual rate of interest to be charged each year on outstanding Local Improvement Tax amounts shall be the higher amount of the borrowing rate as established by the Alberta Municipal Finance Corporation as at December 31 of that year or the average rate of return on investment earned by the Municipality of Jasper in that year.

5.2 Effective December 31 of each year, all outstanding Local Improvement Tax amounts and all interest amounts associated with such outstanding amounts, shall for the next year be subject to the annual rate of interest established pursuant to Section 4.3 herein.

6. PROPERTY SALE OR ASSIGNMENT

6.1 All unpaid Local Improvement Tax amounts and interest charges applied to those amounts shall be due and payable to the Municipality of Jasper upon the sale or assignment of the property in respect of which the Local Improvement Tax was levied.

7. NOTICE

7.1 Any notice provided for in this Bylaw shall be in writing.

8. SEVERANCE

8.1 If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

9. COMING INTO EFFECT

9.1 This Bylaw shall come into force and effect on the final day of passing thereof.

9.2 If any provision herein is adjudged to be repugnant to any federal regulation or legislation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal legislation or regulation.

GIVEN FIRST READING THIS 6th DAY OF APRIL A.D., 2004

GIVEN SECOND READING THIS 20th DAY OF APRIL A.D., 2004

GIVEN THIRD AND FINAL READING THIS 19th DAY OF JULY A.D., 2005

MAYOR

MUNICIPAL MANAGER

SCHEDULE A
(1 of 2)

Block 42	Lots	1
		2
		3
		24
		25
		26
		27
		28
		30
		32
		34
		36
		38
		52
		53
		54
		55
		56
		57
59		
Block 43	Lots	4
		5
		6
		7
		8
		9
		10
		11
		12
		13
		14
		29
		31
		33
		35
		37
		39
40		
41		
42		
43		
45		

SCHEDULE A
(2 of 2)

Block 44	Lots	16
		17
		18
		19
		20
		21
		22
		23
		91
		90
		88
		86
		84
		82
		80
		78
		77
		76
		75
		73
		72
70		
68		
66		
64		
62		
60		
44		
46		
47		
48		
49		
50		
51		
Block 45	Lots	61
		63
		65
		66
		69
		71
		79
		81
		83
		85
87		
89		