

**MUNICIPALITY OF JASPER
Bylaw #187**

BEING A BYLAW OF THE MUNICIPALITY OF JASPER AUTHORIZING COUNCIL TO ENTER INTO AN AGREEMENT WITH THE MINISTER OF THE ENVIRONMENT FOR THE COLLECTION OF OFF-SITE LEVIES ON THE DEVELOPMENT OR REDEVELOPMENT OF RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES WITHIN THE MUNICIPALITY OF JASPER FOR 2015.

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PURPOSE

WHEREAS development and redevelopment of residential and non-residential properties is occurring within the Municipality;

AND WHEREAS such development contributes to the necessity for upgrading or expansion of municipal infrastructure;

AND WHEREAS pursuant to section 5.4 of the Agreement for the Establishment of Local Government in the Town of Jasper, the Minister of Canadian Heritage has agreed "... to require payment of all appropriate off-site levies by the developers to the Municipality of Jasper";

AND WHEREAS the Municipality of Jasper proposes to establish such a levy for the purpose of contributing to the capital costs of:

- a) upgraded or expanded facilities for the storage, transmission, treatment or supplying of potable water;
- b) upgraded or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- c) upgraded or expanded storm sewer drainage facilities; and
- d) land required for or in connection with any facilities described in clauses a) through c);

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE SPECIALIZED MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS:

1. Citation

- 1.1 This bylaw may be cited as the "Jasper Off-Site Levies Bylaw 2015.

2. Definition

- 2.1 In this bylaw:
 - 2.1.1 "Agreement for the Establishment of Local Government in the Town of Jasper" shall mean the agreement of that name signed by the Minister on June 13th, 2001;
 - 2.1.2 "commercial component" shall mean that portion of gross floor area of a development constructed on lands subject to commercial zoning described in the applicable Parks Canada development permit to be useable for a commercial purpose;
 - 2.1.3 "commercial zoning" and "commercial" shall mean non-residential lands described in the Jasper Community Land Use Plan 2001 as subject to commercial zoning and designated in a zoning category beginning with a single "c".
 - 2.1.4 "consumer price index" shall mean the factor of that name calculated and published annually by Statistics Canada to reflect rates of inflation;
 - 2.1.5 "Council" shall mean the Council of the Municipality of Jasper;
 - 2.1.6 "development" shall mean a building or an addition to or replacement of a building;
 - 2.1.7 "gross floor area" shall mean the total floor area of all floors of a building with a clear ceiling height of 1.8 metres or more, contained within the outside of the exterior and basement walls or glazing line of windows, but excluding enclosed

or open parking and loading areas and floor areas devoted exclusively to mechanical or electrical equipment servicing the development;

- 2.1.8 "Jasper Community Land Use Plan 2001" shall mean the plan of that name approved by the Minister of Canadian Heritage in June 2001, pursuant to the Canada National Parks Act;
- 2.1.9 "LEED" Building Certification Program" shall mean the Leadership in Energy Efficiency and Environmental Design Programme;
- 2.1.10 "off-site levies" and "levies" shall mean the off-site levies established pursuant to section 5.4 of the Agreement for the Establishment of Local Government in Jasper and described in this bylaw;
- 2.1.11 "residential component" shall mean the portion of gross floor area of a development constructed on C1 or C2 zoning determined in the Parks Canada regulation not to be useable for a commercial purpose;
- 2.1.12 "residential zoning" and "residential" shall mean residential lands described in the Jasper Community Land Use Plan 2001 as subject to residential zoning and designated in a zoning category beginning with "R" or a double "C";
- 2.1.13 "minister" shall mean the federal Minister of the Environment;
- 2.1.14 "CAO" shall mean the individual duly appointed to that position for the Municipality of Jasper at any given time and includes any person authorized to act for and in the name of that individual;
- 2.1.15 "Municipality" and "Municipality of Jasper" shall mean the Municipality of Jasper in Jasper National Park in the Province of Alberta;
- 2.1.16 "storage and services zoning" and "storage and services" shall mean non-residential lands described in the Jasper Community Land Use Plan 2001 as subject to storage and services zoning and designated in a zoning category beginning with "S";
- 2.1.17 "superintendent" shall mean the superintendent of Jasper National Park of Canada;
- 2.1.18 "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;

3. Request to Levy

- 3.1 Council is authorized, pursuant to section 5.4 of the Agreement for the Establishment of Local Government in Jasper to request the Minister to require payment to the municipality of off-site levies with respect to development on residential, commercial and storage and services leaseholds located in the Town of Jasper.
- 3.2 By this bylaw, the Municipality of Jasper requests the Minister to require payment to the Municipality of off-site levies for development and redevelopment within the Town of Jasper calculated and payable. The Municipality requests that all off-site levies be in accordance with the provisions of this bylaw.
- 3.3 Offsite levies will be calculated as a per area fee on the gross floor area increase of leasehold development resulting from implementing project plans submitted to Parks Canada as a condition of receiving the Parks Canada project development permit.

4. Time that levies become payable

- 4.1 Levies shall become payable by the leaseholder to the Municipality prior to the superintendent issuing a building permit for the leasehold to which the levies apply, and shall be in addition to any other levies, fees or charges required by the superintendent as a condition of development.
- 4.2 Levies shall be returned to the leaseholder with respect to any amounts of gross floor area for which levies have been paid but which the superintendent certifies as not constructed at the time Parks Canada returns the leaseholder's performance bond. Interest will not be applied.
- 4.3 Levies shall be returned to the leaseholder with respect to any amounts of gross floor area for which levies have been paid but with respect to which the building permit has not been acted upon and has been allowed to expire as provided for and certified by the superintendent. Interest will not be applied.

- 4.4 Levies shall be due and payable, calculated pursuant to section 3.3 herein, with respect to any amounts of gross floor area constituting a greater amount of gross floor area than that for which levies have been paid and which the superintendent certifies as constructed at the time the leaseholder's performance bond is returned.
- 4.5 Parks Canada shall not be held liable for unpaid levies due and payable by any leaseholder.

5. Reserve Fund

- 5.1 All funds derived from the application of this bylaw shall be set up as reserve funds to pay all or part of the capital costs of all or any of the following:
- 5.1.1 new, upgraded or expanded facilities for the storage, transmission, treatment or supplying of water;
- 5.1.2 new, upgraded or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- 5.1.3 new, upgraded or expanded storm sewage drainage facilities; or
- 5.1.4 land required for or in connection with facilities described in clauses 5.1.1 through 5.1.3 herein.

6. Off-site Levy Amounts

- 6.1 The amount of the off-site levies shall be as provided for in Schedule A hereto.

7. Exemptions

- 7.1 Council may, from time to time and by resolution, request the Minister to exempt from collection of off-site levies:
- 7.1.1 development on lands owned in whole or in part by a public body or bodies where such development will be used in whole or in part for public service purposes; or
- 7.1.2 development of a character that does not consume potable water or contribute effluent to the sewage treatment system, and which is not physically connected to either system.
- 7.2 Council hereby authorizes the CAO to rebate or partially rebate off-site levies collected with respect to development which demonstrates a commitment to energy efficiency, site sustainability and indoor environmental quality through:
- 7.2.1 certified, silver, gold or platinum certification in the Canadian Green Building Council's LEED programme; or
- 7.2.2 bronze, silver, gold or platinum certification in the Built Green programme; or
- 7.2.3 an Energuide certification score of 73 or greater; or
- 7.2.4 an R-2000 certification; and
- 7.2.5 with respect to the single highest standard achieved
- in the amount specified in Schedule "B" attached hereto.

8. Adjustments to Schedule "A"

- 8.1 On January 1 of each year commencing January 1, 2008:
- 8.1.1 the amount of the off-site levy described in Schedule "A" herein shall be altered by a factor equal to the most recently published Statistics Canada annual "all goods and services" Consumer Price Index figure for the province of Alberta, and
- 8.1.2 the CAO shall advise the Superintendent of the changes to Schedule "A", and the revised costs shall be published by the Municipality.
- 8.2 In the event revision, amendment or replacement of the Jasper Town zoning regulations becomes law and such revision, amendment or replacement results in changes, additions or deletions to the zoning categories contemplated in Schedule "A" of this bylaw, the CAO shall revise Schedule "A" as follows"
- 8.2.1 Development on leaseholds for which the zoning designation begins with "C" shall be subject to Rate 1;
- 8.2.2 Development on leaseholds for which the zoning designation begins with "R" shall be subject to Rate 1; and

8.2.3 Development on leaseholds for which the zoning designation begins with "S" shall be subject to Rate 3.

9. Notice

9.1 Any notice provided for in this bylaw shall be in writing.

10. Severance

10.1 If any section in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

Coming into Force

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

Bylaw #182, Jasper Offsite Levies Bylaw 2014 is hereby repealed.

READ a first time this 17 day of March 2015

READ a second time this 7 day of April 2015

READ a third time and finally passed this 21 day of April 2015

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Schedule "B"

Off-site levy exemptions pursuant to section 7.2 herein:

Off-Site Levy Reduction (%)

<u>Certification</u>						
	0%	50%	60%	70%	80%	90%
LEED			certified	silver	gold	platinum
Built Green		bronze	silver	gold	platinum	
Energuide	65-72	73-79	80-95	86-90	91-100	
R-2000		ERS 80				