

BOWSER WATERWORKS DISTRICT

BYLAW NO. 128

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 Charge 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 attributed to projects identified in the capital expenditure program of the Improvement District;

The Trustees of the Bowser Waterworks District ENACT AS FOLLOWS:

1. 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.
2. 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 servicewill pay, at the time of the approval of the subdivision or the approval of the application for service, 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.
3. 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.
4. 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.

- 5. 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 shall use money deposited in the reserve fund, plus all interest and 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 debt incurred by an Improvement District as a result of an expenditure referred to in Section 5(a).
- 6. Monies must be disbursed by bylaw passed by the Trustees and approved by the Inspector of Municipalities.
- 7. This bylaw rescinds Bylaw No. 100 “ The Comprehensive Capital Expenditure Charge (Water) Bylaw 1996”, passed by the Trustees on the 19th day of November, 1996.
- 8. This bylaw may be cited as the “Comprehensive Capital Expenditure Charge (Water) Bylaw 2009”.

INTRODUCED and given first reading by the Trustees on the 17th day of February, 2009.
 RECONSIDERED and finally passed by the Trustees on the 17th day of February, 2009.

Chair of the Trustees

I hereby certify that this is a true copy of bylaw No. 128

Officer

SCHEDULE "A"

BYLAW NO. 128

CAPITAL EXPENDITURE CHARGES (WATER FACILITIES)

Land Use	Basis of Assessment	Charge
A. Residential		
(1) Single-family	Per Lot being created	\$4,367.00
(2) Residential Strata	Per Unit to be constructed	3573.00
(3) Multi-unit residential	Per square meter of space	27.00
B. Commercial		
(1) Manufactured Home Park	Per manufactured home	3,573.00
(2) Resort Condominium, Co-op occupied or Seasonal Basis	Per accommodation unit	2,184.00
(3) Campground or Recreational Vehicle Park	Per site	1,092.00
(4) Commercial buildings or Shopping centre	Per square meter of space	18.00
C. Industrial	Per square meter of space	11.00
D. Institutional	Per square meter of space	14.00