

**BYLAW # 041-08
BEING A BYLAW OF THE TOWN OF CHESTERMERE
IN THE PROVINCE OF ALBERTA
TO PROVIDE FOR PAVING OF RESIDENTIAL LANEWAYS**

WHEREAS Council desires a mechanism to provide for the paving of residential laneways at the cost of the leaseholders affected; and

AND WHEREAS laneways are the property of the Town of Chestermere and any alteration to that property shall be done with the consent of the Town of Chestermere and all improvements shall meet requirements established by the Municipality;

AND WHEREAS the Municipal Government Act (Alberta), R.S.A. 2000, Chapter M-26 393 (1) (2) provides for a "group of owners in a municipality may petition the council for a local improvement";

NOW THEREFORE the Council of the Town of Chestermere in the Province of Alberta, duly assembled, enacts:

1. CITATION

1.1 This bylaw may be cited as the "Chestermere Residential Laneway Paving Bylaw".

2. DEFINITIONS

2.1 In this Bylaw:

2.1.1. "*Affected Area*" shall mean a residential block which is the subject of an application for laneway paving as described in this bylaw.

2.1.2. "*Affected Landowner*" shall mean a landowner whose property is included in a residential block which is the subject of an application for laneway paving as described in this bylaw.

2.1.3. "*Assessed Landowner Frontage*" shall mean a Landowner's frontage on an adjacent laneway expressed as a percentage of the total landowner frontage for all properties in a residential block;

2.1.4. "*Laneway*" shall mean un-named public roadways adjacent to residential lands;

2.1.5. "*Laneway Paving*" shall mean the surface application of asphalt so as to

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make a firm, level surface;

- 2.1.6. "*Laneway Paving Tax*" shall mean a Municipal tax imposed for the purpose of recovering costs of Laneway Paving from affected Landowners;
- 2.1.7. "*Landowner*" shall mean a person or other legal entity in respect of lots or land parcels within the Town of Chestermere;
- 2.1.8. "*Landowner Frontage*" shall mean the length in which a property adjoins a laneway. In situations where a property adjoins two laneways, the landowner frontage shall be calculated as the shorter length plus 15% (FIFTEEN PERCENT) of the longer length;
- 2.1.9. "*Majority of Landowners*" shall mean not less than two thirds of all Affected Landowners who together represent not less than one half of the total assessment of the Affected Area as calculated using the values contained in the most recent Town of Chestermere assessment roll;
- 2.1.10. "*CAO*" shall mean the Chief Administrative Officer of the Town of Chestermere and includes any person authorized to act for or in the name of the CAO;
- 2.1.11. "*Town of Chestermere*" and "*Town*" shall mean the Town of Chestermere in the Province of Alberta;
- 2.1.12. Words importing the masculine gender only include the feminine gender whenever the context so requires and vice versa.
- 2.1.13. Words importing the singular shall include the plural whenever the context so requires and vice versa.

3. LANEWAY PAVING

3.1 Council hereby authorizes the CAO to:

- 3.1.1 undertake laneway paving of any entire laneway in any whole residential block in the Town of Chestermere where the Majority of Landowners have brought fourth, by application, a valid request for laneway paving; and
- 3.1.2. to schedule such paving at his discretion.

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4. LANEWAY PAVING TAX

- 4.1 Council hereby establishes a Laneway Paving Tax:
- 4.1.1 on each property in an Affected Area;
 - 4.1.2 in an amount equal to the total cost of laneway paving in the Affected Area, multiplied in each case by the Assessed Landowner Frontage of each property; and
 - 4.1.3 for a period of 10 (TEN) years commencing with the first municipal taxation year following the completion of the laneway paving in the Affected Area, plus applicable interest as specified in Section 5 herein.
- 4.2 Every Landowner of a property in respect of which a Laneway Paving Tax applies shall:
- 4.2.1 pay in full the amount calculated pursuant to 4.1.2 herein, without interest, on or before the issuance of the Municipal Taxation Assessment notice to Landowners in the first municipal taxation year following completion of the laneway paving; or
 - 4.2.2. 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 herein, and terms and conditions of payment in each of those years shall be the same as terms and conditions of payment of Municipal taxes in each of those years; or
 - 4.2.3 after paying for one or more years the amount described in 4.2.2 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 herein and as calculated to the date of payment by the CAO.
- 4.3 The CAO shall, when in receipt of a payment pursuant to Section 4.2.3 herein:
- 4.3.1. issue a receipt to the Landowner in respect of whose property the payment was received; and
 - 4.3.2 discontinue the Laneway Paving Tax.



5. INTEREST

- 5.1 The annual rate of interest to be charged each year on outstanding Laneway Paving 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 Town of Chestermere in that year.
- 5.2 Effective December 31 of each year, all outstanding Laneway Paving 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 5.1 herein.

6. PROPERTY SALE OR ASSIGNMENT

- 6.1 All unpaid Laneway Paving Tax amounts and interest charges applied to those amounts shall be due and payable to the Town of Chestermere upon the sale or assignment of the property in respect of which the Laneway Paving 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.

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GIVEN FIRST READING THIS 21ST DAY OF JULY, 2008

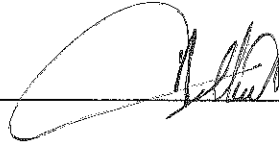
GIVEN SECOND READING THIS 21ST DAY OF JULY, 2008

GIVEN THIRD AND FINAL READING THIS 21ST DAY OF JULY, 2008.

RESOLUTION #: 336-08, 337-08, 338-08 & 339-08



Mayor



Chief Administrative Officer

Schedule "A"
Bylaw 041-08

Date	Laneway to be paved	Linear meters to be paved	Amount per linear meter	# of lots impacted	TOTAL COST OF PROJECT
Summer 2008	Lakeview Inlet	424.88	\$187.11	40	\$79,500.00

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