

# CITY OF KELOWNA

## BYLAW NO. 9938

### **A bylaw of the City of Kelowna to authorize the Council to impose a parcel tax under Section 200 of the *Community Charter* on all benefiting parcels in Local Service Area No. 28 – Water (Fisher Road).**

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WHEREAS the Council of the City of Kelowna has, by Local Area Service No. 28, Bylaw No. 9552 created, a local area service under Section 211 of the *Community Charter* and has, by Loan Authorization Bylaw No. 9559 authorized the borrowing of up to Two Million, Two Hundred Sixty Thousand, Six Hundred and Twenty-Seven Dollars (\$2,260,627.00) and has provided that the capital costs of the water works authorized by Bylaw No. 9552, which total Four Hundred Ninety-Six Thousand, One Hundred and One Dollars (\$496,109.00), will be paid by a parcel tax levied in 20 annual instalments within the benefiting area created by that bylaw;

AND WHEREAS the Council now is desirous of imposing the parcel tax herein provided;

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. In this bylaw:

**"Benefiting Area"** means the area described in Schedule "A" to Local Area Service No. 28 Bylaw No. 9552, as amended.

**"Single Family Equivalent or SFE"** means the equivalent of a single residential dwelling unit that is not intended to be occupied by more than one family, or buildings or properties of various land use designations or zoning categories that have been calculated to be equivalent to a single residential dwelling unit, as outlined in Section 4 of this bylaw.

**"Parcel"** means any lot, block or other area, in which land is held or into which it is subdivided but does not include highways.

2. A parcel tax shall be levied with respect to each **parcel** in the **benefiting area** capable of being connected to the sewer collection system, whether or not the **parcel** is connected to the sewer collection system.
3. The annual parcel tax levied on each **parcel** under Section 2 of this bylaw, in each of the twenty (20) years, shall be equal to  $(A \div B) \times C$ , where:

A = the annual payment (which for the initial calculation purposes of this bylaw is (\$42, 257.00), required to be made in that year for the repayment of principal and interest on the debt authorized by Loan Authorization Bylaw No. 9559;

B = the total number of **Single Family Equivalent** within the **benefiting area** (which for the initial calculation purposes of this bylaw is **85.74 SFEs**); and

C = the number of **SFEs** allocated to the **parcel** in accordance with Section 4 of this bylaw.

4. For the purpose of calculation of the number of **SFEs** allocated to a **parcel** under this bylaw, the following shall apply:
  - Single Family Home: 1 home = 1 SFE
  - Multi-family building: Each dwelling unit = 0.7 SFE (e.g. a 4-plex = 2.8 SFE's)
  - Commercial/Public/Institutional properties (by zoning or use): every 2,600 ft<sup>2</sup> of building area = 1 SFE (The minimum charge is 1 SFE)
  - Vacant properties: every vacant property will be charged 1 SFE
5. The parcel tax under Section 3 of this bylaw shall be waived in respect of a **parcel**, when any present or previous owner of the **parcel** has paid all debt and debt charges, including interest, in respect of that portion of the sewer system of the municipality that serves the **parcel**.
6. The Collector for the City of Kelowna shall prepare the parcel tax roll for the purposes of imposing the parcel tax described in this bylaw, and shall include each **parcel** within the **benefiting area**. The parcel tax shall be shown by the Collector on the real property tax notices for the **parcels** and payment of the parcel tax shall be made in the same manner and before the same dates as the real property tax.
7. This bylaw shall come into full force and effect and be binding on all persons from and including the 2008 taxation year for a period of twenty (20) years up to and including the 2027 taxation year.
8. This bylaw shall be cited as "Local Area Service No. 28 (Water) Fisher Road Parcel Tax Bylaw No. 9938".

Read a first, second and third time by the Municipal Council this    day of    , 2008.

Adopted by the Municipal Council of the City of Kelowna this    day of    , 2008.

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Mayor

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City Clerk