

**BYLAW NO. 2- 2008**

**A BYLAW OF THE CITY OF SWIFT CURRENT, IN THE PROVINCE OF  
SASKATCHEWAN, TO ESTABLISH A DEVELOPMENT LEVY FOR NEW  
SUBDIVISION AND DEVELOPMENT WITHIN THE CITY**

WHEREAS, The Council of the City of Swift Current has adopted an Official Community Plan that authorizes the use of development levies; and

WHEREAS, *The Planning and Development Act, 2007* authorizes a City Council to pass a bylaw to recover the capital cost of services and facilities associated, directly or indirectly, with a proposed development; and

**NOW THEREFORE, THE COUNCIL OF THE CITY OF SWIFT CURRENT IN COUNCIL  
ASSEMBLED ENACTS AS FOLLOWS:**

**1.0 This Bylaw shall be cited as the “Development Levy Bylaw”.**

**2.0 INTERPRETATION:**

For the purpose of this bylaw:

**“Capital Cost”** means the City’s cost of providing construction, planning, engineering and legal services that are directly related to the matters for which development levies and servicing agreement fees are established;

**“Development Levy”** and **“Servicing Fee”** shall have the same meaning;

**“Development”** means the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use or intensity of the use of any building or land;

“**Subdivision**” means a division of land that will result in the creation of a surface parcel, or the rearrangement of the boundaries or limits of a surface parcel, as surface parcel is defined in *The Land Titles Act, 2000*:

“**Net Development Area**” means the total area of the legal parcel(s) that are subject to development or subdivision and shall not include roads, buffers, walkways, or municipal/environmental reserves.

### **3.0 PURPOSE**

The purpose of this Bylaw is to recover the city’s capital costs for providing, altering, expanding, or upgrading the following services and/or facilities associated, directly or indirectly, with a proposed development or subdivision:

- a) sewage, water or drainage works;
- b) roadways and related infrastructure;
- c) parks; and
- d) recreational facilities.

### **4.0 DEVELOPMENT LEVY / SERVICING FEE AMOUNT**

4.1 On residential properties where a development levy or servicing fee has not yet been collected the city shall charge a fee of **\$73,520.51 per hectare (\$29,752.74 acre)**. This amount shall be paid on all residential land that is considered a development or subdivision in accordance with the definitions of this bylaw. The total amount to be paid shall be based on the following formula:

$$\underline{\text{Net Development Area (ha) x \$73,520.51 = Total Development Levy}}$$

4.2 On non-residential properties (institutional, commercial or industrial uses) where a development levy or servicing fee has not yet been collected the city shall charge a fee of **\$117,369.71 per hectare (\$47,497.91 per acre)**.

This amount shall be paid on all non-residential land that is considered a development or subdivision in accordance with the definitions of this bylaw. The total amount to be paid shall be based on the following formula:

$$\underline{\text{Net Development Area (ha) x \$117,369.71 = Total Development Levy}}$$

## **5.0 TERMS OF PAYMENT**

### *5.1 Land subject to a development permit:*

The developer shall pay the development levy specified in the Development Permit prior to commencing the development. If the development levy is not paid prior to commencing the development, the Development Officer or the Building Official shall issue an order stopping the development activity at the site until the development levy is paid.

### *5.2 Land subject to subdivision:*

Where there is a proposed subdivision of land, Council may require a condition of subdivision. A certificate of approval will not be granted by the City until such time that the development levy is paid by the subdivision applicant.

Where an applicant proposes to subdivide land in phases, or stages and the subdivision phasing is approved by Council the development levy applicable to each phase shall be paid prior to obtaining a certificate of approval for the said phase.

## **6.0 USE OF LEVIES AND FEES**

All development levies and any accrued interest on the money collected shall be deposited into one or more development levy accounts, separate and apart from other funds of the city.

The city shall use the funds received and any accrued interest only to:

- a) Pay the capital cost of providing the services and facilities described in section 3 of this bylaw;
- b) Pay debt incurred by the city as a result of an expenditure described in section 3 of this bylaw;
- c) Reimburse an owner described in clause 173(d) of the Planning and Development Act, 2007.

**7.0 APPEALS**

The requirement to pay a development levy may be appealed in accordance with clause 176 of the Planning and Development Act, 2007.

**8.0 SEVERABILITY**

If any Section or portion of this bylaw is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, that Section or portion shall be deemed severable and shall not affect the validity of the remaining portions of this bylaw.

**9.0 EFFECTIVE DATE**

This Bylaw shall come into force and have effect from and after the date of the final reading.

\_\_\_\_\_ **MAYOR**                      \_\_\_\_\_ **CITY CLERK**

***INTRODUCED AND READ a first time this 4<sup>th</sup> day of July, 2016.***

***READ a second time this 29<sup>th</sup> day of August, 2016.***

***READ a third time and finally passed this 29<sup>th</sup> day of August, 2016.***