

Division 1 General Jurisdiction

General jurisdiction to pass bylaws

7 Subject to section 7.1, a council may pass bylaws for municipal purposes respecting the following matters:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public;
- (c) nuisances, including unsightly property;
- (d) transport and transportation systems;
- (e) businesses, business activities and persons engaged in business;
- (f) services provided by or on behalf of the municipality;
- (g) public utilities;
- (h) wild and domestic animals and activities in relation to them;
- (i) the enforcement of bylaws made under this or any other enactment, including any or all of the following:
 - (i) the creation of offences;
 - (ii) for each offence, imposing a fine not exceeding \$10 000 or imprisonment for not more than one year, or both;
 - (iii) providing for the imposition of a penalty for an offence that is in addition to a fine or imprisonment so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence;
 - (iv) providing that a specified penalty prescribed under section 44 of the *Provincial Offences Procedure Act* is reduced by a specified amount if the penalty is paid within a specified time;
 - (v) providing for imprisonment for not more than one year for non-payment of a fine or penalty;
 - (vi) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
 - (vii) providing for inspections to determine if bylaws are being complied with;
 - (viii) remedying contraventions of bylaws.

Division 5 Special Tax

Special tax bylaw

382(1) Each council may pass a special tax bylaw to raise revenue to pay for a specific service or purpose by imposing one or more of the following special taxes:

- (a) a waterworks tax;
 - (b) a sewer tax;
 - (c) a boulevard tax;
 - (d) a dust treatment tax;
 - (e) a paving tax;
 - (f) a tax to cover the cost of repair and maintenance of roads, boulevards, sewer facilities and water facilities;
 - (g) repealed 2008 cE-6.6 s55;
 - (h) a tax to enable the municipality to provide incentives to health professionals to reside and practice their professions in the municipality;
 - (i) a fire protection area tax;
 - (j) a drainage ditch tax;
 - (k) a tax to provide a supply of water for the residents of a hamlet;
 - (l) a recreational services tax.
- (2)** A special tax bylaw must be passed annually.

RSA 2000 cM-26 s382;2008 cE-6.6 s55

Taxable property

383(1) The special tax bylaw authorizes the council to impose the tax in respect of property in any area of the municipality that will benefit from the specific service or purpose stated in the bylaw.

(2) The tax must not be imposed in respect of property that is exempt under section 351.

1994 cM-26.1 s383

Contents of special tax bylaw

384 The special tax bylaw must

- (a) state the specific service or purpose for which the bylaw is passed,
- (b) describe the area of the municipality that will benefit from the service or purpose and in which the special tax is to be imposed,
- (c) state the estimated cost of the service or purpose, and
- (d) state whether the tax rate is to be based on
 - (i) the assessment prepared in accordance with Part 9,
 - (ii) each parcel of land,
 - (iii) each unit of frontage, or
 - (iv) each unit of area,

and set the tax rate to be imposed in each case.

1994 cM-26.1 s384

Condition

385 A special tax bylaw must not be passed unless the estimated cost of the specific service or purpose for which the tax is imposed is included in the budget of the municipality as an estimated expenditure.

1994 cM-26.1 s385

Use of revenue

386(1) The revenue raised by a special tax bylaw must be applied to the specific service or purpose stated in the bylaw.

(2) If there is any excess revenue, the municipality must advertise the use to which it proposes to put the excess revenue.

1994 cM-26.1 s386

Person liable to pay special tax

387 The person liable to pay the tax imposed in accordance with a special tax bylaw is the owner of the property in respect of which the tax is imposed.

Division 7 Local Improvement Tax

Definition

391 In this Division, “local improvement” means a project

- (a) that the council considers to be of greater benefit to an area of the municipality than to the whole municipality, and
- (b) that is to be paid for in whole or in part by a tax imposed under this Division.

1994 cM-26.1 s391

Petitioning rules

392(1) Sections 222 to 226 apply to petitions under this Division, except as they are modified by this section.

(2) A petition is not a sufficient petition unless

- (a) it is signed by 2/3 of the owners who would be liable to pay the local improvement tax, and
- (b) the owners who sign the petition represent at least 1/2 of the value of the assessments prepared under Part 9 for the parcels of land in respect of which the tax will be imposed.

(3) If a parcel of land is owned by more than one owner, the owners are considered as one owner for the purpose of subsection (2).

(4) If a municipality, school division or provincial health agency or regional health authority under the *Provincial Health Agencies Act* is entitled to sign a petition under this Division, it may give notice to the council prior to or at the time the petition is presented to the council that its name and the assessment prepared for its land under Part 9 are not to be counted in determining the sufficiency of a petition under subsection (2), and the council must comply with the notice.

(5) If a corporation, church, organization, estate or other entity is entitled to sign a petition under this Division, the petition may be signed on its behalf by a person who

- (a) is at least 18 years old, and
- (b) produces on request a certificate authorizing the person to sign the petition.

RSA 2000 cM-26 s392;2012 cE-0.3 s279;2024 c10 s31

Proposal of local improvement

393(1) A council may on its own initiative propose a local improvement.

(2) A group of owners in a municipality may petition the council for a local improvement.

1994 cM-26.1 s393

Local improvement plan

394 If a local improvement is proposed, the municipality must prepare a local improvement plan.

1994 cM-26.1 s394

Contents of plan

395(1) A local improvement plan must

- (a) describe the proposed local improvement and its location,
 - (b) identify
 - (i) the parcels of land in respect of which the local improvement tax will be imposed, and
 - (ii) the person who will be liable to pay the local improvement tax,
 - (c) state whether the tax rate is to be based on
 - (i) the assessment prepared in accordance with Part 9,
 - (ii) each parcel of land,
 - (iii) each unit of frontage, or
 - (iv) each unit of area,
 - (d) include the estimated cost of the local improvement,
 - (e) state the period over which the cost of the local improvement will be spread,
 - (f) state the portion of the estimated cost of the local improvement proposed to be paid
 - (i) by the municipality,
 - (ii) from revenue raised by the local improvement tax, and
 - (iii) from other sources of revenue,and
 - (g) include any other information the proponents of the local improvement consider necessary.
- (2) The estimated cost of a local improvement may include
- (a) the actual cost of buying land necessary for the local improvement,
 - (b) the capital cost of undertaking the local improvement,
 - (c) the cost of professional services needed for the local improvement,
 - (d) the cost of repaying any existing debt on a facility that is to be replaced or rehabilitated, and
 - (e) other expenses incidental to the undertaking of the local improvement and to the raising of revenue to pay for it.

1994 cM-26.1 s395

Procedure after plan is prepared

396(1) When a local improvement plan has been prepared, the municipality must send a notice to the persons who will be liable to pay the local improvement tax.

(2) A notice under subsection (1) must include a summary of the information included in the local improvement plan.

(3) Subject to subsection (3.1), if a petition objecting to the local improvement is filed with the chief administrative officer within 30 days from the notices' being sent under subsection (1) and the chief administrative officer declares the petition to be sufficient, the council must not proceed with the local improvement.

(3.1) The council may, after the expiry of one year after the petition is declared to be sufficient, re-notify in accordance with subsections (1) and (2) the persons who would be liable to pay the local improvement tax.

(4) If a sufficient petition objecting to the local improvement is not filed with the chief administrative officer within 30 days from sending the notices under subsection (1), the council may undertake the local improvement and impose the local improvement tax at any time in the 3 years following the sending of the notices.

(5) When a council is authorized under subsection (4) to undertake a local improvement and

- (a) the project has not been started, or
- (b) the project has been started but is not complete,

the council may impose the local improvement tax for one year, after which the tax must not be imposed until the local improvement has been completed or is operational.

1994 cM-26.1 s396;1995 c24 s58

Local improvement tax bylaw

397(1) A council must pass a local improvement tax bylaw in respect of each local improvement.

(2) A local improvement tax bylaw authorizes the council to impose a local improvement tax in respect of all land in a particular area of the municipality to raise revenue to pay for the local improvement that benefits that area of the municipality.

(2.1) Despite subsection (2), where the local improvement that is the subject of a local improvement tax bylaw of a council of a municipality is a road to benefit Crown land within an area of the municipality, the local improvement tax bylaw does not authorize the council to impose a local improvement tax to raise revenue to pay for the local improvement unless, before it receives second reading, the bylaw is approved by the Minister responsible for the administration of the Crown land.

(3) Despite section 351(1), no land is exempt from taxation under this section.

RSA 2000 cM-26 s397;2015 c8 s51

Contents of bylaw

398(1) A local improvement tax bylaw must

- (a) include all of the information required to be included in the local improvement plan,
- (b) provide for equal payments during each year in the period over which the cost of the local improvement will be spread,
- (c) set a uniform tax rate to be imposed on
 - (i) the assessment prepared in accordance with Part 9,
 - (ii) each parcel of land,
 - (iii) each unit of frontage, or
 - (iv) each unit of area,

based on the cost of the local improvement less any financial assistance provided to the municipality by the Crown in right of Canada or Alberta, and

- (d) include any other information the council considers necessary.

(2) The local improvement tax bylaw may set the uniform tax rate based on estimated average costs throughout the municipality for a similar type of local improvement and that rate applies whether the actual cost of the local improvement is greater or less than the uniform tax rate.

1994 cM-26.1 s398

Start-up of a local improvement

399 The undertaking of a local improvement may be started, the local improvement tax bylaw may be passed and debentures may be issued before or after the actual cost of the local improvement has been determined.

1994 cM-26.1 s399

Person liable to pay local improvement tax

400 The person liable to pay the tax imposed in accordance with a local improvement tax bylaw is the owner of the parcel of land in respect of which the tax is imposed.

1994 cM-26.1 s400

Paying off a local improvement tax

401(1) The owner of a parcel of land in respect of which a local improvement tax is imposed may pay the tax at any time.

(2) If the local improvement tax rate is subsequently reduced under section 402 or 403, the council must refund to the owner the appropriate portion of the tax paid.

1994 cM-26.1 s401

Variation of local improvement tax bylaw

402(1) If, after a local improvement tax has been imposed, there is

- (a) a subdivision affecting a parcel of land, or
- (b) a consolidation of 2 or more parcels of land,

in respect of which a local improvement tax is payable, the council, with respect to future years, must revise the local improvement tax bylaw so that each of the new parcels of land bears an appropriate share of the local improvement tax.

(2) If, after a local improvement tax has been imposed,

- (a) there is a change in a plan of subdivision affecting an area that had not previously been subject to a local improvement tax, and
- (b) the council is of the opinion that as a result of the change the new parcels of land receive a benefit from the local improvement,

the council, with respect to future years, must revise the local improvement tax bylaw so that each benefitting parcel of land bears an appropriate share of the local improvement tax.

1994 cM-26.1 s402

Variation of local improvement tax rate

403(1) If, after a local improvement tax rate has been set, the council

- (a) receives financial assistance from the Crown in right of Canada or Alberta or from other sources that is greater than the amount estimated when the local improvement tax rate was set, or
- (b) refinances the debt created to pay for the local improvement at an interest rate lower than the rate estimated when the local improvement tax rate was set,

the council, with respect to future years, may revise the rate so that each benefitting parcel of land bears an appropriate share of the actual cost of the local improvement.

(2) If, after a local improvement tax rate has been set, an alteration is necessary following a complaint under Part 11 or an appeal under Part 12 that is sufficient to reduce or increase the revenue raised by the local improvement

tax bylaw in any year by more than 5%, the council, with respect to future years, may revise the rate so that the local improvement tax bylaw will raise the revenue originally anticipated for those years.

(3) If, after a local improvement tax rate has been set, it is discovered that the actual cost of the local improvement is higher than the estimated cost on which the local improvement tax rate is based, the council may revise, once only over the life of the local improvement, the rate with respect to future years so that the local improvement tax bylaw will raise sufficient revenue to pay the actual cost of the local improvement.

1994 cM-26.1 s403;1999 c11 s21

Unusual parcels

404 If some parcels of land in respect of which a local improvement tax is to be imposed appear to call for a smaller or larger proportionate share of the tax because they are corner lots or are differently sized or shaped from other parcels, those parcels may be assigned the number of units of measurement the council considers appropriate to ensure that they will bear a fair portion of the local improvement tax.

1994 cM-26.1 s404

Municipality's share of the cost

405(1) A council may by bylaw require the municipality to pay the cost of any part of a local improvement that the council considers to be of benefit to the whole municipality.

(2) A bylaw under subsection (1) must be advertised if the cost to be paid by the municipality exceeds 50% of the cost of the local improvement less any financial assistance provided to the municipality by the Crown in right of Canada or Alberta.

(3) If financial assistance is provided to the municipality by the Crown in right of Canada or Alberta for a local improvement, the council must apply the assistance to the cost of the local improvement.

1994 cM-26.1 s405

Land required for local improvement

406(1) If a parcel of land is required before a local improvement can be proceeded with, the council may agree with the owner of the parcel that in consideration of

- (a) the dedication or gift to the municipality of the parcel of land required, or
- (b) a release of or reduction in the owner's claim for compensation for the parcel of land,

the remainder of the owner's land is exempt from all or part of the local improvement tax that would otherwise be imposed.

(2) The tax roll referred to in section 327 must be prepared in accordance with an agreement under this section, despite anything to the contrary in this Act.

1994 cM-26.1 s406

Exemption from local improvement tax

407(1) If a sanitary or storm sewer or a water main is constructed along a road or constructed in addition to or as a replacement of an existing facility

- (a) along which it would not have been constructed except to reach some other area of the municipality, or
- (b) in order to provide capacity for future development and the existing sanitary and storm sewers and water mains are sufficient for the existing development in the area,

the council may exempt from taxation under the local improvement tax bylaw, to the extent the council considers fair, the parcels of land abutting the road or place.

(2) If a local improvement tax is imposed for a local improvement that replaces a similar type of local improvement,

- (a) the balance owing on the existing local improvement tax must be added to the cost of the new local improvement, or
- (b) the council must exempt the parcels of land in respect of which the existing local improvement tax is imposed from the tax that would be imposed for the new local improvement.

Sewers

408(1) A municipality may construct a local improvement for sewer if

- (a) the council approves the construction,
- (b) the construction is recommended by the Minister of Health or the medical health officer, and
- (c) the council considers it to be in the public interest to do so.

(2) The owners of the parcels of land that benefit from a local improvement for sewer have no right to petition against its construction.

RSA 2000 cM-26 s408;2013 c10 s37

Private connection to a local improvement

409(1) If a local improvement for sewer or water has been constructed, the municipality may construct private connections from the local improvement to the street line if the council approves the construction.

(2) The cost of constructing a private connection must be imposed against the parcel of land that benefits from it and the owner of the parcel has no right to petition against its construction.

1994 cM-26.1 s409

Off-site levy

648(1) In this section and sections 648.01 to 648.4,

- (a) “facility” includes the facility, the associated infrastructure, the land necessary for the facility and related appurtenances referred to in subsection (2.1);
- (b) “infrastructure” means the infrastructure, facilities and land required for the purposes referred to in subsection (2)(a) to (c.1);
- (c) “stakeholder” means any person that will be required to pay an off-site levy when the bylaw is passed, or any other person the municipality considers is affected.

(1.1) For the purposes referred to in subsections (2) and (2.1), a council may by bylaw

- (a) provide for the imposition and payment of a levy in respect of land that is to be developed or subdivided, and
- (b) authorize an agreement to be entered into in respect of the payment of the levy.

(1.2) A bylaw may not impose an off-site levy on land owned by a school board that is to be developed for a school building project within the meaning of the *Education Act*.

(2) An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:

- (a) new or expanded facilities for the storage, transmission, treatment or supplying of water;
- (b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- (c) new or expanded storm sewer drainage facilities;
- (c.1) new or expanded roads required for or impacted by a subdivision or development;
- (c.2) subject to the regulations, new or expanded transportation infrastructure required to connect, or to improve the connection of, municipal roads to provincial highways resulting from a subdivision or development;
- (d) land required for or in connection with any facilities described in clauses (a) to (c.2).

(2.1) In addition to the capital cost of facilities described in subsection (2), an off-site levy may be used to pay for all or part of the capital cost for any of the following purposes, including the cost of any related appurtenances and any land required for or in connection with the purpose:

- (a) new or expanded community recreation facilities;
- (b) new or expanded fire hall facilities;
- (c) new or expanded police station facilities;
- (d) new or expanded libraries.

(2.2) Subject to an appeal under section 648.1, an off-site levy may be imposed and collected for a purpose referred to in subsection (2.1) only if no off-site levy has been previously imposed under subsection (1) for the same purpose with respect to the land on which the off-site levy is being imposed.

(3) On September 1, 1995 an off-site levy under the former Act continues as an off-site levy under this Part.

(4) An off-site levy imposed under this section or the former Act may be collected once for each purpose described in subsection (2) or (2.1), in respect of land that is the subject of a development or subdivision, if

- (a) the purpose of the off-site levy is authorized in the bylaw referred to in subsection (1), and
- (b) the collection of the off-site levy for the purpose authorized in the bylaw is specified in the agreement referred to in subsection (1).

(4.1) Nothing in subsection (4) prohibits the collection of an off-site levy by instalments or otherwise over time.

(5) An off-site levy collected under this section, and any interest earned from the investment of the levy,

- (a) must be accounted for separately from other levies collected under this section, and
- (b) must be used only for the specific purpose described in subsection (2)(a) to (c.2) or (2.1)(a) to (d) for which it is collected or for the land required for or in connection with that purpose.

(6) A bylaw under subsection (1) must be advertised in accordance with section 606 unless

- (a) the bylaw is passed before January 1, 2004, or
- (b) the bylaw is passed on or after January 1, 2004 but at least one reading was given to the proposed bylaw before that date.

(7) Where after March 1, 1978 and before January 1, 2004 a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for the purpose described in subsection (2)(c.1), that fee or charge is deemed

- (a) to have been imposed pursuant to a bylaw under this section, and
- (b) to have been validly imposed and collected

effective from the date the fee or charge was imposed.

(8) If, before the coming into force of this subsection, a fee or other charge was imposed on a developer by a municipality pursuant to a development agreement entered into by the developer and the municipality for one or more purposes described in subsection (2) or (2.1), that fee or charge is deemed

- (a) to have been imposed pursuant to a bylaw under this section, and
- (b) to have been validly imposed and collected effective from the date the fee or charge was imposed.

(9) If, before the coming into force of this subsection, a bylaw was made that purported to impose a fee or other charge on a developer for a purpose described in subsection (2) or (2.1),

- (a) that bylaw is deemed to have been valid and enforceable to the extent that it imposed a fee or charge for a purpose described in subsection (2) or (2.1) before the coming into force of this subsection, and

- (b) any fee or charge imposed pursuant to the bylaw before the coming into force of this subsection is deemed to have been validly imposed and collected effective from the date the fee or charge was imposed.

RSA 2000 cM-26 s648;2003 c43 s3;2012 cE-0.3 s279;
2015 c8 s67; 2016 c24 s104;2017 c13 ss1(60),2(17);
2020 c39 s10(32)

Intermunicipal off-site levy

648.01(1) For the purpose of section 648(1) and subject to the requirements of section 12, 2 or more municipalities may provide for an off-site levy to be imposed on an intermunicipal basis.

(2) Where 2 or more municipalities provide for an off-site levy to be imposed on an intermunicipal basis, the municipalities shall enter into such agreements as are necessary to attain the purposes described in section 648(2) or (2.1) that are to be funded by an off-site levy under section 648(1), by a framework made under Part 17.2 or by any other agreement.

(3) Repealed 2020 c39 s10(33).

(4) If a bylaw providing for an off-site levy to be imposed on an intermunicipal basis is appealed under section 648.1, the corresponding bylaws of the other participating municipalities are deemed to also be appealed.

2016 c24 s105;2020 c39 s10(33)

Appeal of off-site levy

648.1(1) Any person may, subject to and in accordance with the regulations, appeal any of the provisions of an off-site levy bylaw relating to an off-site levy for a purpose referred to in section 648(2) or (2.1) to the Land and Property Rights Tribunal on any of the following grounds:

- (a) that the purpose for which the off-site levy is to be imposed is unlikely to benefit future occupants of the land who may be subject to the off-site levy to the extent required by the regulations;
 - (b) that the principles and criteria referred to in regulations made under section 694(4)(b) that must be applied by a municipality when passing the off-site levy bylaw have not been complied with;
 - (c) that the determination of the benefitting area was not determined in accordance with regulations made under section 694(4)(c);
 - (d) that the off-site levy or any portion of it is not for the payment of the capital costs of the purposes set out in section 648(2) or (2.1), as applicable;
 - (e) that the calculation of the off-site levy is inconsistent with regulations made under section 694(4) or is incorrect;
 - (f) that an off-site levy for the same purpose has already been imposed and collected with respect to the proposed development or subdivision.
- (2) After hearing the appeal, the Land and Property Rights Tribunal may
- (a) dismiss the appeal in whole or in part, or
 - (b) declare the off-site levy bylaw or a portion of the bylaw to be invalid and provide that the bylaw may be repassed or amended in a manner determined by the Tribunal.
- (3) Where an off-site levy bylaw amends the amount of an off-site levy referred to in subsection (1), an appeal under this section may only be brought with respect to that amendment.

2016 c24 s105;2017 c13 s2(18);2020 cL-2.3 s24(32);2020 c39 s10(34)

Calculation of off-site levy

648.2(1) Subject to subsection (2), a municipality may determine the methodology on which to base the calculation of an off-site levy.

(2) Subject to subsection (7), the methodology on which a municipality bases its calculation of an off-site levy must

- (a) take into account criteria such as area, density or intensity of use,
- (b) recognize variation among infrastructure, facility and transportation infrastructure types,

- (c) be consistent across the municipality for that type of infrastructure, facility or transportation infrastructure, and
- (d) be clear and reasonable.
- (3) Notwithstanding subsection (2)(c), the methodology used in determining the calculation of an off-site levy may be different for each specific type of infrastructure, facility or transportation infrastructure.
- (4) The information that a municipality uses in the calculation of an off-site levy must be current.
- (5) A bylaw imposing an off-site levy must include a requirement for a periodic review of the calculation of the off-site levy.
- (6) A municipality that imposes an off-site levy must make the following publicly available:
 - (a) any information or data the municipality relied upon and any assumptions the municipality made in calculating the levy, including, without limitation, any information, data or assumptions the municipality used in models to complete calculations;
 - (b) the calculations that were performed in order to determine the amount of the levy;
 - (c) anything else that would be required in order to replicate the determination of the levy.
- (7) Subsection (2) does not apply to the City of Calgary or the City of Edmonton.

2020 c39 s10(35)

Consultation with stakeholders

648.3(1) A municipality must consult, in good faith, with stakeholders

- (a) before making a final determination on defining and addressing existing and future infrastructure, transportation infrastructure and facility requirements, and
- (b) when determining the methodology on which to base an off-site levy.
- (2) Before passing or amending a bylaw imposing an off-site levy, a municipality must consult, in good faith, on the calculation of the levy with stakeholders in the benefitting area where the off-site levy will apply.
- (3) A consultation referred to in this section must begin at the earliest opportunity and must provide stakeholders with the ability to provide input on an ongoing basis.
- (4) During a consultation referred to in this section, a municipality must make publicly available any calculations the municipality has made and any information the municipality has relied upon including, without limitation, any assumptions and data the municipality has used in models to complete calculations.

2020 c39 s10(35)

Annual report

648.4(1) A municipality must provide full and open disclosure of all off-site levy costs and payments.

(2) A municipality must, on an annual basis, make a report on an off-site levy publicly available and include in the report

- (a) the details of all off-site levies received by each contributor for each type of facility and infrastructure within each benefitting area,
- (b) the uses for each type of facility and infrastructure within each benefitting area for each capital project, and
- (c) the balances retained for each type of facility and infrastructure within each benefitting area.

2020 c39 s10(35)