

## TOWN OF GIBSONS

Bylaw No. 1261, 2018

A Bylaw to impose latecomer charges

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**WHEREAS** the Town of Gibsons has identified upgrades of the Prowse Road sewage lift station (the “Prowse Road Lift Station”) and force main upgrade (“Force Main”) as a required capital project of the Town;

**AND WHEREAS** 47% of the cost of the Prowse Road Lift Station is included in the calculations used to determine the amount of the sanitary sewer development cost charge imposed by Development Cost Charges Bylaw No. 1218 (the “DCC Share”);

**AND WHEREAS** the Municipality has required the developer of the George Hotel to contribute \$144,695.10 towards the cost of the Prowse Road Lift Station and Force Main based on the construction of 35 apartment units and 4,188 m<sup>2</sup> of commercial space;

**AND WHEREAS** the Prowse Road Lift Station and Force Main will provide sewage collection service to other benefiting lands as more specifically set out in this Bylaw, and the Municipality will initially pay the portion of the cost of the Prowse Road Lift Station and Force Main, net of the DCC Share, that will benefit each such other parcel of land;

**AND WHEREAS** under Section 510 of the *Local Government Act*, the municipality may recover such portion of the cost by imposing, on the owners of benefiting lands who connect to or use the service, a charge related to the benefit;

**AND WHEREAS** a charge imposed under Section 510 must include interest calculated annually at a rate established by bylaw, payable for the period beginning when the service was completed up to the date that the connection is made or the use of the service begins;

**AND WHEREAS** by Bylaw No. 1179 the Council has established a rate of interest for such purposes;

**NOW THEREFORE** the Council of the Town of Gibsons, in open meeting assembled, enacts as follows:

### SECTION 1 GENERAL PROVISIONS

#### 1.1 SHORT TITLE

This Bylaw may be cited for all purposes as “Prowse Road Lift Station and Force Main Excess Services Bylaw No. 1261”.

#### 1.2 PURPOSE

The purpose of this Bylaw is to impose latecomers charges to recover the costs for upgrades to the Prowse Road Lift Station and Force Main.

### **1.3 BYLAW SCHEDULES**

Attached as integral parts of the Bylaw is the following Schedule:

- Schedule "A" Benefitting Parcels
- Schedule "B" Unit Charges

### **1.4 SEVERABILITY**

The provisions of this Bylaw are severable. If any provision is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Bylaw.

## **SECTION 2 ESTABLISHMENT OF LATECOMER CHARGES**

- 2.1** The owner of a benefiting parcel shall pay to the Town, prior to obtaining a building permit for the construction of a building on the parcel, the charge specified in Schedule B to this Bylaw, plus interest at the rate established by Town of Gibsons Bylaw No. 1179 calculated annually. For certainty, this Section applies regardless of whether the Prowse Road Lift Station and Force Main is in service at the time the building permit issued in respect of any such parcel.
- 2.2** For the purposes of Section 2, a "benefiting parcel" is a parcel within the area shown on Schedule A in respect of which the Town issues a building permit authorizing the construction or alteration of a building after the date of adoption of this Bylaw, if any of the following apply:
- a. the parcel was vacant on the date of issuance of the permit;
  - b. the parcel was, on the date of issuance of the permit, occupied only by a vacant building or buildings;
  - c. the parcel was previously occupied by a building or buildings that generated a lesser volume of domestic sewage than would, in the opinion of the Director of Infrastructure Services, typically be generated from the building that is authorized by the permit.
- 2.3** Section 2.2 does not apply to land that is the subject of George Hotel and Residences Zoning Amendment Bylaw No. 1065-33, 2015.
- 2.4** The per unit charges indicated in Schedule B have been established on the basis of an estimated cost of \$1,270,253 for the Prowse Road Lift Station and Force Main and shall be adjusted up or down following the in-service date of the Lift Station in accordance with the actual cost, as certified by the Consulting Engineer supervising the construction of the work, less 47%, but not so as to affect the amount of any charge that has already been paid.
- 2.5** No charges shall be imposed under the authority of this Bylaw after the Town has imposed charges totaling \$597,019, or such greater or lesser amount as has been certified under Section 2.4 as the actual cost of the Prowse Road Lift Station and Force Main net of the DCC share, in all cases excluding interest charges.

2.6 The charges imposed under this Bylaw are in addition to sanitary sewer connection charges imposed by Rates, Fees and Charges Bylaw No. 1196 and development cost charges imposed by Development Cost Charges Bylaw No. 1218.

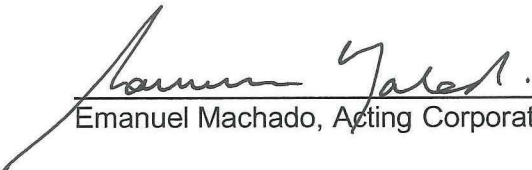
**READ A FIRST TIME** this 18<sup>th</sup> day of September, 2018

**READ A SECOND TIME** this 18<sup>th</sup> day of September, 2018

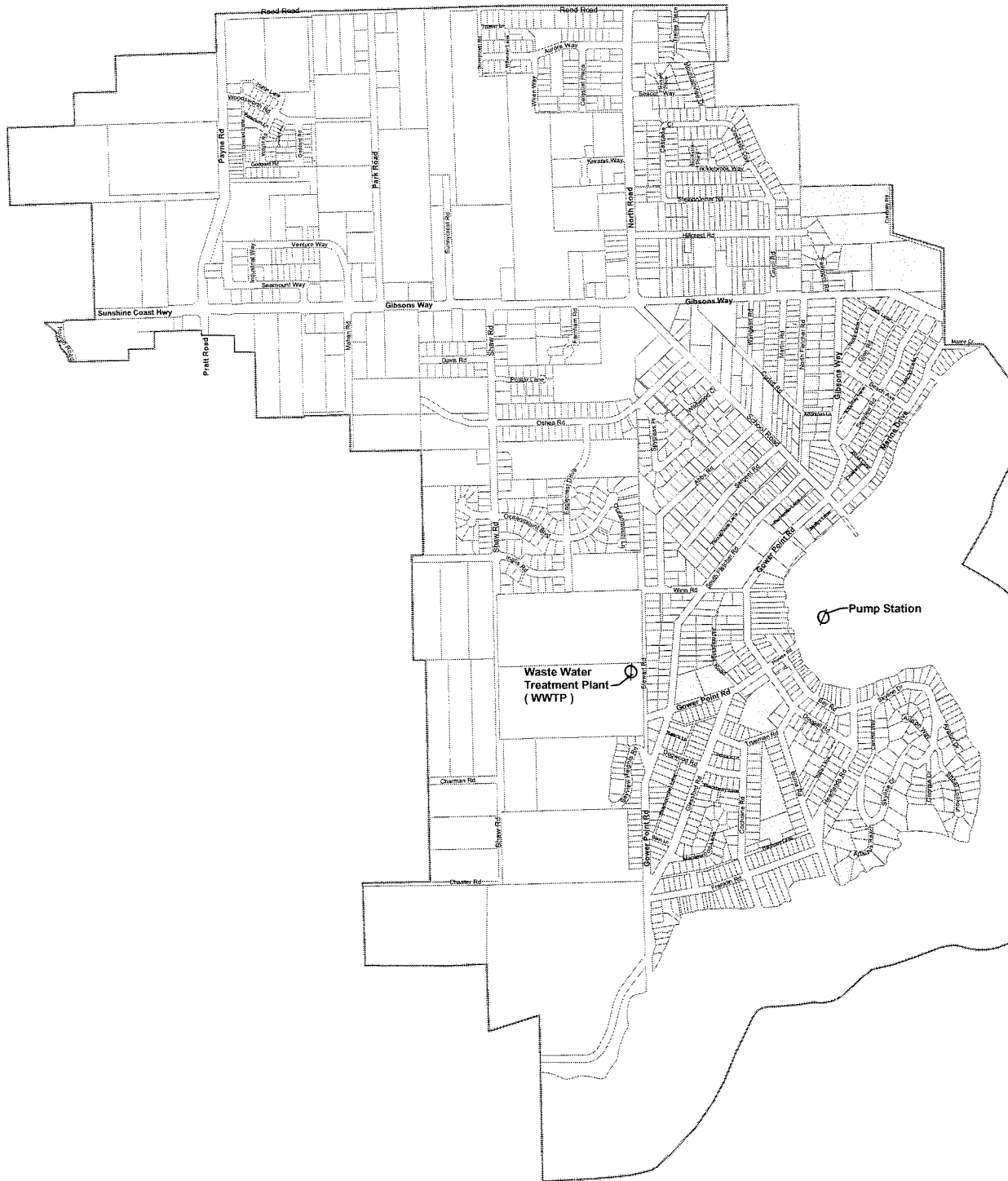
**READ A THIRD TIME** this 18<sup>th</sup> day of September, 2018

**ADOPTED** this 2<sup>nd</sup> day of October, 2018

  
\_\_\_\_\_  
Wayne Rowe, Mayor

  
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Emanuel Machado, Acting Corporate Officer

**SCHEDULE "A" TO BYLAW NO. 1261  
BENEFITING LANDS**



20150902

**SCHEDULE "B" TO BYLAW NO. 1261  
UNIT CHARGES**

<b>Type of Development</b>	<b>Unit Charge (\$)</b>
Single family dwelling	1798.50/dwelling unit
Townhouse dwelling	1798.50/dwelling unit
Apartment dwelling	1567.50/dwelling unit
Commercial	21.45/m <sup>2</sup> of building floor area*

\* "Building floor area" means the sum of the horizontal areas of each storey of a building measured from the interior faces of the exterior walls providing that in the case of a wall containing windows, the glazing line of the windows may be used. The measurement is inclusive of basement areas used for storage or service to the building, attached garages, carports and breezeways.