

**CITY OF CHESTERMERE**

**PROVINCE OF ALBERTA**

**BYLAW #012-18**

A Bylaw of the City of Chestermere, in the Province of Alberta, to provide for the regulation and collection of a monthly tax installment plan in the City of Chestermere.

**WHEREAS** pursuant to section 339 of the *Municipal Government Act*, RSA 2000, C. M-26 and amendments thereto provides that Council may by bylaw provide for incentives on payments of taxes by the dates set out in the bylaw;

**AND WHEREAS** pursuant to section 340 of the *Municipal Government Act*, RSA 2000, Chapter M-26, Council may by bylaw permit taxes to be paid by installments, at the option of the taxpayer;

**AND WHEREAS** pursuant to section 347 of the *Municipal Government Act*, RSA 2000, Chapter M-26, Council may by bylaw cancel, reduce, refund or defer taxes if it is considered equitable to do so, or phase-in increases or decreases from the preparation of a new assessment;

**AND WHEREAS** pursuant to section 346 of the *Municipal Government Act*, RSA 2000, Chapter M-26, Council may by bylaw impose penalties under sections 344 or 345 and it becomes part of the tax;

**AND WHEREAS** pursuant to section 549(1) of the *Municipal Government Act*, RSA 2000, Chapter M-26, Council may by bylaw take any action or measures are necessary to remedy a contravention of this Act;

**AND WHEREAS** pursuant to section 553(1) of the *Municipal Government Act*, RSA 2000, Chapter M-26, Council may add amounts owing to the tax roll;

**AND WHEREAS** Council deems it desirable to establish a pre-authorized tax installment payment plan for the City of Chestermere;

**NOW THEREFORE** The Municipal Council of the City of Chestermere, Alberta duly assembled, hereby enacts as follows:

**1. Title**

(1) This bylaw may be cited as "Tax Installment Payment Plan Bylaw"

**2. Definitions**

In this bylaw:

- a. "*Arrears in Taxes*" shall mean all taxes which remain unpaid after December 31<sup>st</sup> of any Tax Year, but does not include current taxes.
- b. "*City*" shall mean the City of Chestermere.
- c. "*Council*" shall mean the municipal Council for the City of Chestermere.
- d. "*Current Taxes*" shall mean taxes imposed in the Tax Year for which they are levied.
- e. "*Estimated Levy*" shall mean the previous year's Levy being used to estimate a monthly installment amount for the first 6 months of a current tax year.
- f. "*Installment Amount*" shall mean the amount a Taxpayer will pay on the 15<sup>th</sup> of each month for the purpose of paying property taxes through the TIPP program.
- g. "*Levy*" shall mean the amount to be paid by a Taxpayer when the Property Assessment has the Tax Rate applied after the Property Tax Bylaw is passed each year.
- h. "*Mortgage Company*" shall mean a financial institution who has a lien in the form of an approved mortgage on the property.
- i. "*Other Charges*" shall mean charges assessed by the City for work completed by the City for Property owned by the Taxpayer. For example snow removal, however it could be for any work completed by the City.
- j. "*Penalties*" shall mean approved fees charged to Tax Rolls who have a balance outstanding on the dates that are outlined in the City's Tax Penalties & Fees Bylaw.
- k. "*Property Assessment*" shall mean the value of a property as determined by a Property Assessor.
- l. "*Property Assessor*" shall mean the person who has been appointed by Council for the purpose of determining the assessed value for all residential and non-residential properties.
- m. "*Property Tax Bylaw*" shall mean the bylaw established by Council, on or before June 15<sup>th</sup>, which finalizes assessment growth/market value changes and requisitions, and allows for the collection of property taxes.
- n. "*Supplementary Property Tax*" shall mean taxes resulting from the enactment of a Supplementary Assessment Bylaw.



- o. “*Tax Arrears*” shall mean a balance outstanding on January 1<sup>st</sup> of any given tax year for all prior year’s levy.
- p. “*Tax Rate*” shall mean the amount of taxes to be paid for every \$1 of assessed value.
- q. “*Tax Roll*” shall mean a listing of all municipal properties which can be assessed, and include information such as a description of a property or business; the name and mailing address of the taxpayer; the assessment; tax rate; tax arrears; and any other appropriate information.
- r. “*Tax Penalties & Fees Bylaw*” shall mean the bylaw approved by Council for the provision of imposing fees, charges, and penalties on behalf of the municipality.
- s. “*Taxpayer*” shall mean a person liable to pay taxes:
  - i. who is the owner of a property in the City of Chestermere; or
  - ii. who is an individual identified on a Land Titles Certificate.
- t. “*Tax Year*” shall mean the annual period over which Current Taxes are calculated, commencing with January 1<sup>st</sup> and ending with December 31<sup>st</sup> of that year.
- u. “*TIPP*” shall mean the Tax Installment Payment Plan, for the purpose of a tax installment program for City Taxpayers.

**3. Application**

- (1) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- (2) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- (3) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
- (4) All the schedules attached to this Bylaw shall form a part of this Bylaw.
- (5) This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

#### **4. General Provisions**

- (1) Taxpayers may submit an application to participate in the TIPP for the monthly payment of property taxes, rather than a single payment on the annual due date for property taxes of July 31<sup>st</sup>.
- (2) Taxpayers who are included in the TIPP and in good standing shall not be subject to the Penalties in the Tax Penalties & Fees Bylaw.
- (3) The TIPP shall operate on a Tax Year basis, and shall continue in perpetuity until this Bylaw is repealed.
- (4) The TIPP is non-transferable from one property to another. Application must be completed for each property.
- (5) Taxpayers who wish to participate in the TIPP may enrol at any time of the year. A complete application package must be received at least 3 business days, to allow sufficient time for the first payment to be processed on the 15<sup>th</sup> of the month.
- (6) Taxpayers who wish to cancel their TIPP must submit the completed cancellation form at least 3 business days, to allow sufficient time for the payment cancellation to be processed prior to the 15<sup>th</sup> of the month.

#### **5. Qualifications**

- (1) Taxpayers who wish to participate in the TIPP shall:
  - a) Complete a TIPP Application form;
  - b) Provide a 'VOID' cheque or financial institution form;
  - c) Pay all Tax Arrears from previous years;
  - d) Pay all Other Charges, if any are owing; and
  - e) Pay all Penalties, if any are owing that are not held in abeyance.

#### **6. Payments**

- (1) All Current Taxes shall be paid in equal monthly installments by automatic bank withdrawal on the 15<sup>th</sup> of each month.
- (2) If an application is received before the approval of the current year Property Tax Bylaw, the payment will be calculated using the Estimated Levy as the numerator and the remaining number of months in the year as the denominator.
- (3) If an application is received after the approval of the current year Property Tax Bylaw, the payment will be calculated using the outstanding portion of

the current tax levy as the numerator and the remaining number of months in the year as the denominator.

- (4) If an application is received on or after August 1<sup>st</sup> and penalties have been assessed for the current tax year, if requested by the taxpayer, these charges can be held in abeyance until December 31<sup>st</sup> of the same year. The charges will be waived if the tax levy is paid in full and the taxpayer remains in good standing for a minimum period of 12 months since application to join the TIPP program. In all other situations, these charges will become immediately applicable and owing.
- (5) Once the current year Property Tax Bylaw has been approved, Section 6(3) will take precedence for determining the monthly payment amount.
- (6) For subsequent years, the monthly payment amount is automatically updated and calculated twice each year. July adjustment occurs after the new tax rate is set and is calculated by using total levy less installment payments made during the early part of the year and then divided by 6 months; the first withdrawal will occur on July 15<sup>th</sup>. The January adjustment is calculated by using the total Estimate Levy divided by 12 months; the first withdrawal will occur on January 15<sup>th</sup>.
- (7) If Other Charges are assessed against a tax roll, remain unpaid and exceed 90 days since issuance, then the City will add this amount owing into the next calculation of monthly payment. The intent is to completely pay the outstanding amount off during the next 6 month timeframe. There will be no penalties charged against the Other Charges as long as the taxpayer remains in good standing with the TIPP program. In all other situations, the penalties will be applied.
- (8) If applicable, the Supplementary Property Tax for the Current Tax year shall be distributed equally between the remaining months of the current year.
- (9) The City may remove a Taxpayer from the TIPP in the event that the Taxpayer fails to make two (2) or more monthly tax installment payments, pursuant to Section 6.1.
  - a) Taxpayers shall be notified of such removal by ordinary mail and/or e-mail to any Taxpayers listed on the Tax Roll.
- (10) A Taxpayer who has a monthly installment payment returned to the City from a financial institution as non-sufficient funds or otherwise, is subject to applicable fees pursuant to the Tax Penalties and Fees Bylaw.



- (11) When a Taxpayer is removed from the TIPP subsequent to the due date for the payment of the monthly Installment, all unpaid taxes shall become due and payable no later than thirty (30) days from that date of removal.
  - a) After thirty (30) days from the date of removal from the TIPP, any unpaid taxes are subject to Penalty, pursuant to the Tax Penalties and Fees Bylaw.
- (12) When a duplicate payment of the Current Taxes is received by the Taxpayer and Mortgage Company:
  - a) Payment shall be refunded upon receipt of written authorization by the Mortgage Company.

**7. Effective Date**

This Bylaw becomes effective upon third and final reading.

**8. Repeal of Bylaw**

Upon third and final reading of Bylaw #012-18, Bylaw 96-190/3 and any associated amendments are hereby repealed.

**9. Severability**

If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

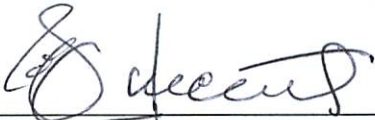
READ A FIRST TIME this 22 day of May 2018

READ A SECOND TIME this 22 day of May 2018

READ A THIRD TIME this 22 day of May 2018

Resolution Numbers –

  
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MAYOR

  
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CAO