

**OKANAGAN FALLS IRRIGATION DISTRICT
BYLAW # 371**

A Bylaw to fix a charge for Capital Expenditures on parcels of land and to provide for the time and manner of payment.

WHEREAS pursuant to Section 746(1)(f) of the *Local Government Act* the Trustees may, by bylaw, fix capital expenditure charges under the terms and conditions as set out in the bylaw;

AND WHEREAS the capital expenditure charges may be fixed for the sole purpose of providing funds to the improvement district to pay the capital cost of providing, constructing, altering, or expanding water facilities in order to service directly or indirectly, the development in respect to which the charges are fixed;

AND WHEREAS in the opinion of the Trustees the charges fixed by this bylaw are related to capital costs attributable to projects identified in the capital expenditure program of the improvement district.

The Trustees of the Okanagan Falls Irrigation District ENACT AS FOLLOWS:

1. In addition to other charges applicable under other bylaws of the improvement district, every person who develops land shall pay the applicable capital expenditure charge as set out in Schedule "A" attached to and forming part of this bylaw.
2. Every person who obtains:
 - (a) approval of a subdivision of a parcel of land under the *Land Title Act* or the *Strata Property Act* or;
 - (b) approval of an application for serviceshall pay at the time of the approval of the subdivision or the approval of the application for service, as the case may be, to the improvement district the applicable capital expenditure charges as set out in Schedule "A" attached to and forming part of this bylaw.
3. A capital expenditure charge is not payable where:
 - (a) the development does not impose new capital cost burdens on the improvement district or;
 - (b) a capital expenditure charge has previously been paid for the same development, unless as a result of further development new capital cost burdens will be imposed on the improvement district.

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4. In fixing capital expenditure charges by this bylaw, the Trustees have taken into consideration future land use patterns and development and the phasing of works and services and whether the charges

(a) are excessive in relation to the capital cost of prevailing standards of service in the improvement district or;

(b) will deter development in the improvement district or;

(c) will discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the improvement district.

5. All sums of money collected under this bylaw shall be deposited in a special reserve fund separate from all other funds of the improvement district. The improvement district shall use money deposited in the reserve fund plus all interest or earnings thereon for the purposes for which it was deposited, namely to:

(a) pay the capital costs of providing, constructing, altering or expanding water facilities included in the capital expenditure program on which the charge was based, in order to serve directly or indirectly, the development in respect to which the charge was collected, or;

(b) pay principle and interest on a debt incurred by an improvement district as a result of an expenditure referred to in section 5(a).

6. Monies shall be disbursed by bylaw passed by the Trustees and approved by the Inspector of Municipalities.

7. The following bylaw is hereby repealed:

Bylaw #344 – Comprehensive Capital Expenditure Charge Water Bylaw 2006 approved by the Trustees on the 9th day of May, 2006 and registered by the Deputy Inspector of Municipalities on the 27th day of June, 2006.

8. This bylaw may be cited as the “Comprehensive Capital Expenditure Charge Water Bylaw 2012”.

INTRODUCED and given first reading by the Trustees on the 8th day of March 2012.

RECONSIDERED and finally passed by the Trustees on the 8th day of March 2012.

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Ed Sims
Chair of the Trustees

I hereby certify that this is a true copy of Bylaw No. 371

gmaus
Administrator



A true copy of Bylaw No. 371
registered in the office of the
Inspector of Municipalities this
5th day of April 2012

FJCB
Deputy Inspector of Municipalities

OKANAGAN FALLS IRRIGATION DISTRICT

**SCHEDULE 'A'
BYLAW # 413**

CAPITAL EXPENDITURE CHARGES (WATER FACILITIES)

UNIT/LAND USE	SFE	CEC CHARGES
Single-family residential (lots maximum 2000 m ²)	1.0	\$6,573
Single-family residential (lots greater than 2000 m ²)	1.5	\$9,860
Manufactured home subdivision (lots maximum 500 m ²)	0.84	\$5,521
Multiple housing-duplex lot (per side), four plex (per unit), townhouse or row housing (per unit), Multiple housing-apartment, medium to high density multi-family building and cabins	0.66	\$4,338
Motels, bed and breakfast, suites, congregate housing	0.33	\$2,169
Irrigated land on recreational or institutional properties-per acre of irrigated land (ac)	3.1	\$20,376
Irrigated land for agricultural purposes-per acre of irrigated land (ac)	2.0	\$13,146
Commercial per building-first 100 m ² of new building- ⁽¹⁾ see note for building addition	1.0	\$6573
Industrial per building-first 100 m ² of new building ⁽¹⁾ see note for building addition	1.0	\$6573

⁽¹⁾ Rate for commercial/industrial is for first 100 m² of new building. Building area in excess of 100 m² or building addition charged at \$10.60 per square meter. Irrigation on commercial/industrial lands permitted to a maximum of 300 m². Any additional irrigation at irrigated land rate for institutional properties.