



THE CORPORATION OF THE
CITY OF CRANBROOK

BYLAW NO. **4094**

**SHADOW MOUNTAIN SANITARY SEWER CONSTRUCTION LOCAL AREA SERVICE
ESTABLISHMENT BYLAW**

A bylaw of the City of Cranbrook to establish a local area service for the construction of sanitary sewerage works for the special benefit of the properties within the local service area described herein.

WHEREAS Sections 210 and 211 of the *Community Charter* authorize a municipality to establish local area services, being municipal services the Council considers provide particular benefit to part of the municipality known as the local service area;

AND WHEREAS Section 211(1)(b) of the *Community Charter* authorizes Council to establish a local area service if the service and its cost recovery methods have been proposed by Council initiative, subject to a petition against by the owners of property within the applicable local service area;

AND WHEREAS it is deemed desirable and expedient for the City of Cranbrook to establish a local area service to provide, undertake and carry out, or cause to be carried out the works and services described herein;

AND WHEREAS the works and services described herein will improve the local service area;

AND WHEREAS Section 217 of the *Community Charter* authorizes Council to borrow sums of money in connection with a local area service and to recover such costs from the owners of property within the applicable local service area;

AND WHEREAS the amount to be borrowed to provide the Services (as defined below) will not exceed the sum of Nine Million One Hundred Twenty Thousand Three Hundred Dollars (\$9,120,300) which is the amount of debt to be recovered as part of the Services authorized by this bylaw;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained prior to adoption of the borrowing bylaw, pursuant to Section 179 of the *Community Charter*;

WHEREAS pursuant to the provisions of Section 213 of the *Community Charter*, the Council of the City of Cranbrook has initiated a local area service, to be known as Shadow Mountain Sanitary Sewer Construction Local Area Service, subject to petition against, to:

- A. design and construct sanitary sewerage works for the special benefit of the properties within the local service area described herein;
- B. acquire land or interests in land necessary or beneficial for the operation and maintenance of the sanitary sewer works; and
- C. finance the cost of borrowing for such construction and acquisition.

AND WHEREAS section 216 of the *Community Charter* provides for all or part of the cost of a local area service to be borne by the owners of property within the local service area and for the levy and imposition of a local service tax on properties within the local service area to recover the owners' portion of the cost of the services;

AND WHEREAS the Municipal Officer assigned responsibility for Corporate Administration for the City of Cranbrook under section 148 of the *Community Charter* has certified that the petition against received for the Shadow Mountain Sanitary Sewer Construction Local Area Service does not constitute a sufficient petition signed by at least 50% of the owners of the parcels that would be subject to the local service tax, representing at least 50% of the assessed value of the parcels that would be subject to the local service tax;

NOW THEREFORE, the Municipal Council of the City of Cranbrook, in open meeting assembled, enacts as follows:

1. Title

This bylaw shall be cited as "Shadow Mountain Sanitary Sewer Construction Local Area Service Establishment Bylaw No. 4094, 2022".

2. Service

In accordance with the *Community Charter*, a Local Area Service to be known as "Shadow Mountain Sanitary Sewer Construction Local Area Service" is hereby established to do all things necessary to:

- a) design and construct sanitary sewerage works;
- b) acquire interests in land necessary or beneficial for the operation and maintenance of the sanitary sewer works; and
- c) finance the cost of borrowing for such construction and acquisition,

(the "Services") for the special benefit of the properties within the local service area described in section 4 that are connected to or capable of connecting to the sanitary sewerage works.

3. Works

The works referred to in section 2(a) include, but are not limited to, three pump stations, alarm systems, SCADA systems, forcemain, gravity sewer, highway crossings, electrical services to the pump stations, a water service to one of the pump stations and related appurtenances (the "Works").

4. Local Service Area

The local service area of the City for the benefit of which the Services are to be provided is the area illustrated by the hatched areas in Appendix I, which is attached to and forms part of this Bylaw (the "Shadow Mountain Sanitary Sewer Construction Local Service Area").

5. Cost Recovery

5.1 The total cost of the Services referred to in sections 2(a) and (b) is estimated to be Ten Million One Hundred Twenty Thousand Three Hundred Dollars (\$10,120,300) of which:

- a) \$1,000,000.00 will be funded from the City's Development Cost Charge capital works program in accordance with Development Cost Charge Bylaw No. 4085, 2022;
- b) the balance of the actual costs, which will not exceed the sum of Nine Million One Hundred Twenty Thousand Three Hundred Dollars (\$9,120,300), will be recovered through the local service tax imposed on parcels within the Shadow Mountain Sanitary Sewer Construction Local Service Area; and
- c) no part will be funded by general property tax.

5.2 The local service tax shall be apportioned amongst the parcels within the Shadow Mountain Sanitary Sewer Construction Local Service Area based on the taxable area of each parcel, with different rates for parcels with a taxable area less than 454,000 square metres and parcels with a taxable area equal to or greater than 454,000 square metres.

6. This bylaw shall take effect on the date of its adoption by Council.

Read a first time this day of


Read a second time this day of

Read a third time this day of

Adopted this day of

Mayor

City Clerk

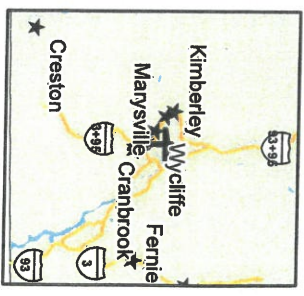
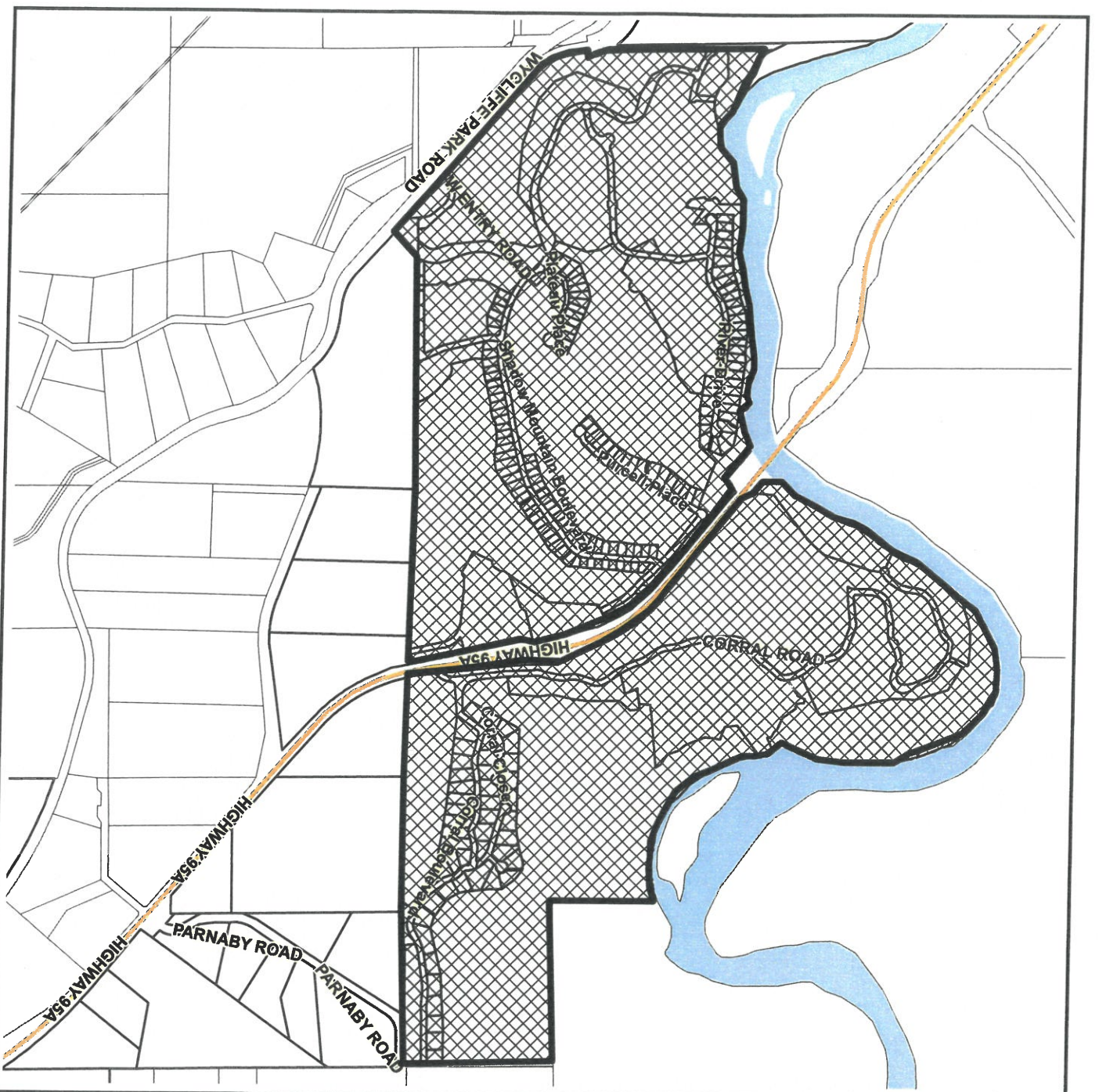


CRANBROOK

 MOUNTAINS OF OPPORTUNITY

Appendix I to

Bylaw 4094, 2022



Projection: UTM ZONE 11N NAD 83

Data Source:
 Digital Road Atlas (LMB)
 Ortho Imagery (July 2009, 10cm accuracy)