

## NARAMATA IRRIGATION DISTRICT

### BYLAW NO. 443

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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 830(1)(e) of the Municipal 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 Naramata 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 Schedules "A" and "B" 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 Condominium Act or;
  - (b) Approval of an application for service.

shall 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" and "B" 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;

**Bylaw No. 443 - Capital Expenditure Bylaw 1994**

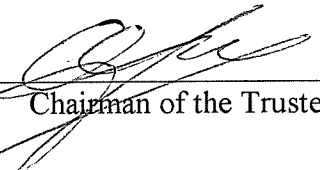
- (b) a capital expenditure charge has previously been paid for the same development, unless as a result of further development new capital cost burdens will be imposed on the Improvement District.
- 4. In fixing capital expenditure charges by this bylaw, the Trustees have taken into consideration future 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 No. 426, passed by the Trustees on May 5th, 1993 and registered by the Inspector of Municipalities on 9th day of June, 1993.

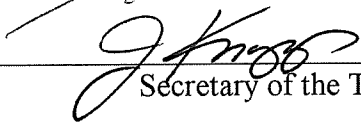
Capital Expenditure Charge Bylaw - 1994

8. This Bylaw may be cited as the "**Comprehensive Capital Expenditure Charge (Water) Bylaw 1994**".


**INTRODUCED** and given first reading by the Trustees on the 9<sup>th</sup> day of November, 1994.

**RECONSIDERED** and finally passed by the Trustees on the 16<sup>th</sup> day of November, 1994.

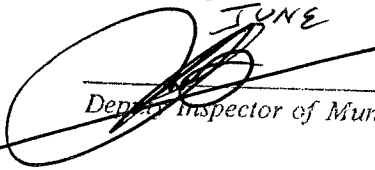
  
Chairman of the Trustees

  
Secretary of the Trustees

I hereby certify under the seal of the Naramata Irrigation District that this is a true copy of Bylaw No. 443 passed by the Trustees on the 13th day of February, 1995.

  
Secretary of the Trustees

A true copy of By-Law No. 443  
registered in the office of the Inspector  
of Municipalities this 5 day of  
JUNE 1995

  
Deputy Inspector of Municipalities

Capital Expenditure Charge Bylaw - 1994

**SCHEDULE "A"**

**Bylaw No. 443**

**CAPITAL EXPENDITURE CHARGES (WATER FACILITIES)**

**ZONES "A" & "B"**

**ZONE "A" :** (SHOWN COLOURED ORANGE ON ATTACHED MAP)

ALL LANDS WITHIN THE DISTRICT EXCLUDING THOSE LANDS SPECIFIED  
IN ZONES B & C

**ZONE "B"** (SHOWN COLOURED YELLOW ON THE ATTACHED MAP)

ALL LANDS IN THE AREA GENERALLY BOUNDED BY GAMMON ROAD  
ON THE WEST, ARAWANA ROAD ON THE NORTH, THE CPR (KETTLE  
VALLEY ) RIGHT OF WAY ON THE EAST, AND THE BOUNDARIES OF D.L.  
206 & 207 ON THE SOUTH

<u>Land Use</u>	<u>Basis of Assessment</u>	<u>Charge</u>
Residential		
1. Single Family	per service	\$5700.
2. Multi-Family	per lot	\$5700.
3. Cottage (see Bylaw 407: 500 sq. ft. or less)	per service	\$5700.

**Capital Expenditure Charge Bylaw - 1994**

**SCHEDULE "B"**

**BYLAW NO. 443**

**CAPITAL EXPENDITURE CHARGES (WATER FACILITIES)**

**ZONE "C"** (SHOWN COLOURED GREEN ON THE ATTACHED MAP)

ALL LANDS BELOW ELEVATION 1820 NOT INCLUDED IN ZONE A & B.

<u>Land Use</u>	<u>Basis of Assessment</u>	<u>Charge</u>
1. Single Family	per lot	\$7320.
2. Multi Family	per service	\$7320.