

**VILLAGE OF PEMBERTON
BYLAW NO. 574, 2006**

A bylaw to create a Local Service Area to provide sewer services for the Village of Pemberton Industrial Park.

WHEREAS the Village has received a sufficient petition under Section 212 of the Community Charter to provide sewer services to the Industrial Park

AND WHEREAS the Council considers it desirable to provide this service and will concurrently consider a Loan Authorization Bylaw

NOW THEREFORE the Council of the Village of Pemberton in open meeting assembled enacts as follows:

1. Administration

This bylaw may be cited for all purposes as “Village of Pemberton Industrial Park Sewer Servicing Bylaw No. 574, 2006”.

2. Definitions

In this Bylaw,

“Sewer Improvement Services or Services”: Includes the on- and off-site sewer improvements necessary to support the Industrial Park which includes: river crossing, sanitary forcemain, gravity sewers, sanitary lift station, rights-of-way, contingencies and other project costs – generally as described in Associated Engineering Project # 002035 dated April 25th 2006, and costs as summarized in June 1st 2006 estimated total project budget from Gilbey Engineering.

“Full Costs”: Shall include all final costs associated with completion of the services including temporary and long term borrowing.

“Industrial Park”: Is the area shown outlined in black on Schedule A of this bylaw.

“Total Area”: Is the area of land within the Industrial Park less that area occupied by dedicated roads.

3. Service Area Established and Defined

A Local Area Service is hereby established for the purpose of providing Sewer Improvement Services to the Industrial Park.

4. Cost Recovery

The full costs of the Services shall be paid for by the Industrial Park Property Owners through a local services tax.

A local service tax shall be apportioned on the properties within the Industrial Park based on their individual lot area as a percentage of the Total Area.

Any owner whose parcel is subject to this tax may commute the charges imposed under the Local Area Service, on a one-time basis only, for payment in cash – provided payment in full is received within 60 days of notice being sent from the Village.

Those not commuting the charges will pay their portion of the annualized costs based on the amortization schedule derived from the loan authorization bylaw established for this purpose.

Should the sums recovered through the levy of a parcel tax based on the pro rata area of parcels at any time be insufficient to meet the costs of the service, the Council may levy and impose within the benefiting area a rate on land and improvements over and above all other rates sufficient to meet such deficit in the same manner and time as other general municipal levies.

5. Authority to Complete and Operate

The Village is hereby authorized and empowered to provide, operate and maintain, and to undertake and carry out, or cause to be carried out the Sewer Improvement Services and to do all things necessary in connection therewith for the benefit of the properties with the Industrial Park.

6. Parcel Tax

Council shall cause to be prepared a Local Service Area Parcel Tax Roll for the purpose of allocating the annual principal and interest amounts associated with the Local Area Service.

7. Merging

The Local Service Area established by this bylaw may be merged with any other Local Service Area or Areas provided the services to be provided are similar in nature and the owners within this Local Service Area will not pay any more than if the merger had not taken place.

READ A FIRST TIME this 6th day of June, 2006.

READ A SECOND TIME this 6th day of June, 2006.

READ A THIRD TIME this 6th day of June, 2006.

RECONSIDERED AND FINALLY PASSED AND ADOPTED this 20th day of June, 2006.

Mayor

Administrator