

THE CORPORATION OF THE CITY OF ENDERBY
BYLAW NO. 1663

A BYLAW TO PROVIDE FOR A REVITALIZATION TAX EXEMPTION PROGRAM

WHEREAS under the provisions of Section 226 of the *Community Charter*, Council may by bylaw adopt a revitalization tax exemption program;

AND WHEREAS Council wishes to establish a revitalization tax exemption program to encourage environmental remediation and redevelopment within the municipality;

AND WHEREAS Council has considered this Bylaw in conjunction with the objectives and policies set out under Section 165 of the *Community Charter* in its financial plan;

AND WHEREAS notice of the proposed bylaw has been given in accordance with Section 227 of the *Community Charter*;

NOW THEREFORE, the Council of the City of Enderby enacts in open meeting as follows:

1. **CITATION**

- a. This Bylaw may be cited as "City of Enderby Revitalization Tax Exemption Bylaw No. 1663, 2018".

2. **DEFINITIONS**

"**Assessed Value**" has the same meaning as set out in the *Assessment Act* of British Columbia;

"**Brownfield**" means an abandoned, idle or underutilized property where past actions have caused known or suspected environmental contamination;

"**Building Permit**" means a permit issued by the *City* that authorizes the construction, alteration or extension of a building or structure;

"**City**" means the City of Enderby;

"**Construction Value**" means the total cost of a proposed building or structure as indicated on the respective Building Permit;

"**Council**" means the duly elected Council of the *City*;

"**Exemption Certificate**" means a Revitalization Tax Exemption Certificate issued by the *City* under this bylaw in respect of an eligible property;

"**Owner**" means the registered owner in fee simple of a property;

"Revitalization Tax Exemption Agreement" means an agreement between the *City* and an owner of an eligible property under this program in respect of the matters described in Section 226(7) of the *Community Charter*.

3. REVITALIZATION TAX EXEMPTION PROGRAM

- a. The reasons for, and objectives of, the Revitalization Tax Exemption Program established under this Bylaw is intended to encourage remediation and redevelopment of vacant brownfield properties located within the City limits.
- b. The Revitalization Tax Exemption Program is intended to accomplish Council's objectives by providing property tax relief to property owners who:
 - remediate vacant brownfield properties, AND
 - undertake construction to the newly remediated vacant lot with a construction value of no less than \$150,000.
- c. A property owner must enter into a Revitalization Tax Exemption Agreement with the City that determines the conditions for eligibility for a specific property.
- d. The extent of the tax exemptions available under the Revitalization Tax Exemption Program is the municipal portion of the tax increase directly attributable to the increase in assessed value of improvements on the property resulting from the construction as outlined in Section 3(b).
- e. The amount of the tax exemption that may be provided under this bylaw is calculated as follows:
 - Years 1-5: 100% of the increase in assessed improvement value
 - Year 6: 80% of the increase in assessed improvement value
 - Year 7: 60% of the increase in assessed improvement value
 - Year 8: 40% of the increase in assessed improvement value
 - Year 9: 20% of the increase in assessed improvement value
 - Year 10: 10% of the increase in assessed improvement value

Year 1 is deemed to begin the year following the year the Building Permit for the eligible construction has been issued and the Revitalization Tax Exemption Certificate has been issued.

- f. The maximum term of a tax exemption that may be provided is 10 years.

- g. The Revitalization Tax Exemption Program established herein does not apply retroactively.

4. APPLICATION PROCESS

- a. An owner of a property who wishes to apply for a tax exemption under this Bylaw must, prior to remediation and construction, submit a written application to the City.
- b. Once an application is received by the City, a Revitalization Tax Exemption Agreement must be entered into between the City and the Owner.

5. REVITALIZATION TAX EXEMPTION CERTIFICATE

- a. Once the conditions established under this Bylaw and the Revitalization Tax Exemption Agreement have been met, a Revitalization Tax Exemption Certificate will be issued.

6. CANCELLATION OF AN EXEMPTION CERTIFICATE

- a. An Exemption Certificate may be cancelled by the City if any of the following occur:
 - the Owner breaches any conditions of this Bylaw, the Agreement, or the Exemption Certificate;
 - the Owner allows the property taxes to go into arrears; or
 - the Owner requests the Exemption Certificate to be cancelled.

7. BYLAW REVISIONS

- a. Council authorizes the revision of City of Enderby Revitalization Tax Exemption Bylaw No. 1663, 2018 in accordance with the revisions authorized pursuant to Section 1(2) of Bylaw Revision Regulation 367/2003.
- b. The Revitalization Tax Exemption Bylaw, as revised under a revision Bylaw, shall be brought before Council for consideration of first, second and third readings and adoption in accordance with Part 5 of the City of Enderby Council Procedure Bylaw No. 1502, 2012, as amended from time to time, except that before third reading, the Corporate Officer must certify that the proposed revised bylaw has been revised in accordance with Section 3 of Bylaw Revision Regulation 367/2003.

8. SEVERABILITY

- a. If any section, subsection or phrase of this Bylaw is for any reason held to be invalid by a Court of competent jurisdiction, the section, subsection or phrase may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.
- b. Any enactments referred to herein is a reference to an enactment of British Columbia and regulation thereto, as amended, revised, consolidated or replaced from time to time.

READ a FIRST time this 15th day of October, 2018.

READ a SECOND time this 15th day of October, 2018.

READ a THIRD time this 15th day of October 2018.

NOTICE pursuant to Section 227(3) of the Community Charter provided on the _____ day of _____, 201_, and the ___ day of _____, 201_.

ADOPTED this _____ day of _____, 201_.

MAYOR

CHIEF ADMINISTRATIVE OFFICER