

CITY OF SURREY

BY-LAW NO. 14552

A by-law to amend the provisions of "Local Improvements Cost Sharing By-law, 1970, No. 3250" as amended.

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The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Local Improvements Cost Sharing By-law, 1970, No. 3250" as amended, is hereby further amended as follows:

- a) The preamble is amended by deleting the words "Section 661 of the "Municipal Act", being Chapter 290, R.S.B.C., 1979, as amended to date," and inserting the words "Section 634 of the *Local Government Act*, R.S.B.C. 1996, c.323,";
- b) The preamble is amended by deleting the words "Division (1) of Part XVI of said Act" and inserting the words "Division 1 of Part 19 of the *Act*";
- c) Sections 2(a), 3(a), 4(a), 5A(1), 6(1) and (2), 7 (1), 8(1) and (2), 9 (1), 9A(1) and 11 are amended by deleting the words "Division (1) of Part XVI of the "Municipal Act"" and inserting the words "Division 1 of Part 19 of the "*Local Government Act*""; and
- d) Section 5. Installation of Water or Sewer Mains is deleted in its entirety, and new Section 5 is inserted as follows:

"INSTALLATION OF WATER OR SEWER MAINS

5. (a) Where the works to be undertaken by the City are for the installation of either a water main or a sewer main in any highway, easement or right-of-way, the proportion of the actual cost of the works to be specially charged against parcels within the benefiting area which for this section 5 is defined as all parcels abutting the works whether or not these parcels connect to the works excluding those parcels that already have service from the same class of works (the "benefiting area") as the owners' portion of the actual costs thereof, shall be 100% of the actual costs less the following (if any):

- (1) any Provincial contribution,
- (2) the portion of the actual costs with respect to the works abutting parcels within the benefiting area that are wholly exempt from taxation, which portion of the actual costs shall be paid by the City,
- (3) the portion of the actual costs with respect to the servicing of the future, potential parcels abutting the works which portion of the actual costs shall be front-ended by the

City, and

(4) the portion of the actual costs with respect to the upsizing of the works for growth or service beyond the benefiting area which portion of the actual costs shall be paid by the City.

(b) Notwithstanding the definition of the benefiting area in sub-section 5. (a), where the works to be undertaken by the City are to address the health risk determined by the Medical Officer of Health due to the lack of service from a City water main or a sewer main, the owners' portion of the actual costs shall be further reduced by the lesser of the following amounts attributable to those parcels that abut the works being undertaken but already have service from the same class of works on the basis of the lesser of either:

(1) the amount of the actual costs calculated on the basis of a single amount for each of the parcels, or

(2) the amount of the actual costs calculated on the basis of taxable frontage of each of the parcels.

(c) Notwithstanding the cost-sharing provision within sub-sections 5. (a) and (b), the maximum contribution from the City for items 5. (a) (2) and (3) and 5. (b) shall be limited to a total of fifty percent (50%) of the actual costs of the works, or the City may choose to not proceed with the works if Council considers the City's portion of the actual costs of the works excessive.

(d) When the works are completed, the owners' proportion of the actual costs shall be specially charged against the parcels within the benefiting area and shall include interest, levied year by year for the lifetime of the works or for any other reasonable period deemed to be appropriate.

(e) Owners whose parcels are subject to being specially charged under this By-law may commute the special charges imposed on them by making a payment in cash in the sum of the outstanding aggregate principal amount without further interest or penalty."

2. This By-law shall be cited for all purposes as "Local Improvements Cost Sharing By-law, 1970, No. 3250, Amendment By-law, 2001, No. 14552."

PASSED THREE READINGS on the 19th day of November, 2001.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 26th day of November, 2001.

\_\_\_\_\_MAYOR

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