

CITY OF SURREY

BY-LAW NO. 3250

As amended by By-laws No. 3760, 07/26/72; 6147, 03/24/80; 7043, 01/25/82; 7076, 03/01/82; 7136, 04/26/82; 7436, 01/17/83; 7508, 03/21/83; 8066, 10/29/84; 8478, 01/20/86; 8504, 02/24/86; 9611, 06/27/88; 11054, 09/23/91; 11139, 12/09/91; 11178, 02/03/92; 12268, 04/25/94; 12393, 09/06/94; 12909, 09/23/96; 13052, 04/07/97; 14552, 11/26/01; 15486, 09/13/04

A By-law to establish the annual charges to be specially charged against parcels benefitting from or abutting certain classes of work, to specify the percentage of the aggregate of such charges which will be accepted as the commuted value applicable thereto, and the proportion of the cost of works of certain other classes to be specially assessed against the parcels benefitting or abutting thereon as the owner's portion of the cost thereof.

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THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

WHEREAS Section 634 of the *Local Government Act*, R.S.B.C. 1996, c.323, provides that Council shall not undertake any class of work pursuant to Division 1 of Part 19 of the *Act* unless it has by General By-law, a copy of which is deposited with the Inspector of Municipalities, applicable to all works of that class, establish the annual charges to be specially charged for different classes of work and percentage of the aggregate of such charges as will be accepted as the commuted value or alternatively established the proportion of cost to be specially charged as the owner's portion of the cost of said work;

NOW THEREFORE, the City Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:-

- 1. This By-law may be cited for all purposes as "Local Improvements Cost Sharing By-law, 1970, No. 3250."

STORM SEWERS

- 2. (a) In all cases where the work to be undertaken by the City pursuant to Division 1 of Part 19 of the "**Local Government Act**" are for the construction and installation of storm sewers in any highway, the parcels benefitting from or abutting that class of work shall be charged an annual charge of Sixteen Dollars (\$16.00) for each metre of taxable metre-frontage for a period of ten (10) years and the City shall pay the balance of the total cost of the work.

- (b) The City will accept as the commuted value for work of the class specified in this section Sixty-Five and Sixty-Three One Hundredths percentum (65.63%) of the aggregate of the charges imposed

pursuant to Clause (a) hereof.

CURBS

3. (a) In all cases where the work to be undertaken by the City pursuant to Division 1 of Part 19 of the "**Local Government Act**" are for the construction and installation of curbs in any highway, the parcels benefitting from or abutting that class of work shall be charged an annual charge of Twelve Dollars and Ninety-Five Cents (\$12.95) for each metre of taxable metre frontage for a period of ten (10) years and the City shall pay the balance of the total cost of the work.

(b) The City will accept as the commuted value for work of the class specified in this section Sixty-Five and Sixty-Three One Hundredths percentum (65.63%) of the aggregate of the charges imposed pursuant to Clause (a) hereof.

PAVING OF STREETS

4. (a) In all cases where the works to be undertaken by the City pursuant to Division 1 of Part 19 of the "**Local Government Act**" are for the improving and paving of streets, either by petition or on Council initiative, the parcels benefitting from or abutting that class of work shall be charged an annual charge of Ten Dollars and Fifteen Cents (\$10.15) per annum for each metre of taxable metre-frontage for a period of five (5) years and the City shall pay the balance of the total cost of the work.

Commuted Payments

(b) The City will accept as the commuted value for work of the class specified in this section, Seventy-Eight and Eighty-Two One Hundredths percentum (78.82%) of the aggregate of the charges imposed thereby without interest thereon.

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.

ACQUISITION OF A WATERWORKS COMPANY

5A. (1) In all cases where the works to be undertaken by the City pursuant to Division 1 of Part 19 of the "**Local Government Act**" are for the reconstruction of water mains of a waterworks company acquired by the City with two hundred (200) or more customers, the parcels benefiting from or abutting that class of work shall be charged an annual charge of Five Dollars (\$5.00) for each metre of taxable metre-frontage for a period of twenty (20) years and the City shall pay the balance of the total cost of the work.

- (2) The City will accept as the commuted value for work of the class specified in this section Forty per centum (40%) of the aggregate of the charges imposed pursuant to Clause (a) hereof.

SIDEWALKS

6. (1) In all cases where the works to be undertaken by the City pursuant to Division 1 of Part 19 of the "**Local Government Act**" are for the construction and installation of sidewalks on any highway in a Residential Zone Number One (R-1), a Family Residential Zone (R-F), a Restrictive Single Family Residential

Zone (R-F(R)), a Suburban Residential Zone (RS), or a Church And Assembly Zone (P-A), according to the Zoning By-law of the City of Surrey, the sidewalk shall be One and Five Tenths (1.5) metres wide and the proportion of the cost of the said class of work which shall be specially charged against the parcels benefitting from or abutting the work as the owner's portion of the cost thereof shall be an annual charge of Nine Dollars and Ninety-One Cents (\$9.91) for each metre of taxable metre-frontage for a period of ten (10) years. The City's share under this section shall be the balance of the total cost of the sidewalk.

The cost to the benefitting property owner of any width of sidewalk in excess of One and Five Tenths (1.5) metres shall be One Dollar and Sixty-Two Cents (\$1.62) per annum for each metre of taxable metre frontage for a period of ten (10) years, for each metre in excess of One and Five Tenths (1.5) metres.

- (2) In all cases where the works to be undertaken by the City pursuant to Division 1 of Part 19 of the "*Local Government Act*" are for the construction and installation of sidewalks on any highway in any zone other than zones referred to in Sub-section One (1) above, the sidewalk shall be One and Five Tenths (1.5) metres wide, and the proportion of the cost of the said class of work which shall be specially charged against the parcels benefitting from or abutting the work as the owners' portion of the cost thereof shall be an annual charge of Eight Dollars and Twenty-Three Cents (\$8.23) per taxable metre frontage for a period of ten (10) years. The City's share under this section shall be the balance of the total cost of the sidewalk.

The cost to the benefitting property owner of any width of sidewalk in excess of One and Five Tenths (1.5) metres shall be One Dollar and Sixty-Two Cents (\$1.62) per annum for each metre of taxable metre-frontage for a period of ten (10) years, for each metre in excess of One and Five Tenths (1.5) metres.

- (3) The City will accept as the commuted value for work of the classes specified in Sub-sections One (1) and Two (2) of this section, Sixty-Five and Sixty-Three One Hundredths percentum (65.63%) of the aggregate of the charges imposed thereby without interest thereon.

ORNAMENTAL STREET LIGHTING

7. (1) In all cases where the work to be undertaken by the City pursuant to Division 1 of Part 19 of the "*Local Government Act*" are for the construction and installation of ornamental street lighting on any highway, the parcels benefitting from or abutting that class of work shall be charged the amount of the actual costs calculated on the basis of a single amount for each of the parcels or, the amount of the actual costs calculated on the basis of taxable frontage of each of the parcels.
- (2) When the works are completed, the owner's proportion of the actual costs shall be specially charged against the parcels within the benefiting area over a period of ten (10) years and shall include interest charges, levied annually.
- (3) Owners whose parcels are subject to being specially charged under this Section 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.

OPENING AND/OR PAVING OF LANES

8. (1) In all cases where the works to be undertaken by the City pursuant to Division 1 of Part 19 of the "*Local Government Act*" are for the opening and construction and/or the improving and paving of lanes, other than lanes parallel to arterial roads One Hundred percentum (100%) of the total cost of the said

class of work shall be specially charged against the parcels benefitting from or abutting the work and the City shall pay no portion for the cost of such works.

- (2) In all cases where the works to be undertaken by the City pursuant to Division 1 of Part 19 of the "Local Government Act" are for the opening and construction and/or the improving and paving of lanes parallel to arterial roads, Fifty per centum (50%) of the total cost of the said class of work shall be specially charged against the parcels benefitting from or abutting the works and the City shall pay the balance of the total cost of the works.
- (3) The City will accept as the commuted value for work of the class specified in this section One Hundred per centum (100%) of the aggregate of the charges imposed thereby without interest thereon.

OPENING AND CONSTRUCTION OF ROADS

- 9. (1) In all cases where the works to be undertaken by the City pursuant to Division 1 of Part 19 of the "Local Government Act" are for the opening of roads, which opening may include clearing, grading, provision of drainage facilities, gravelling and paving, One Hundred per centum (100%) of the total cost of the said class of work shall be specially charged against the parcels benefitting from or abutting the work and the City shall pay no portion of the cost of such works.
- (2) The City will accept as the commuted value for work of the class specified in this section One Hundred per centum (100%) of the aggregate of the charges imposed thereby without interest thereon.

BOULEVARD IMPROVEMENTS

- 9A. (1) In all cases where the works to be undertaken by the City pursuant to Division 1 of Part 19 of the "Local Government Act" are the sodding any part of and planting trees, shrubs, and plants upon and in a boulevard or boulevards, or street or streets, or part or parts thereof, the proportion of the cost of said class of work which shall be specially charged against the parcels benefitting from or abutting the work as the owners' portion of the cost thereof, shall be Fifty per centum (50%) of the total cost thereof. The City's share of the total cost of the works under this section shall be Fifty per centum (50%).
- (2) The City will accept as a commuted value for work of the class specified in this section One Hundred per centum (100%) of the aggregate of the charges imposed thereby without interest thereon.

COMMUTED PAYMENTS

10. Notwithstanding any other provisions in this By-law, owners wishing to commute the special charge imposed pursuant to this by-law after thirty days of mailing the commuted payment notice, shall pay a sum calculated by multiplying the annual special charge levied against the parcel, by the factor in the table hereunder set opposite the number of annual special charges unpaid at the date of application:

<u>Number of Annual Special Charges Unpaid</u>	<u>Factor</u>
20	11.85
19	11.53
18	11.19
17	10.83
16	10.45

15	10.04
14	9.61
13	9.15
12	8.67
11	8.16
10	7.62
9	7.04
8	6.43
7	5.78
6	5.09
5	4.36
4	3.59
3	2.77
2	1.90
1	0.98

11. This By-law shall not be valid with respect to any work of a class herein specified for which a Construction By-law has been adopted by the Council prior to the final adoption of this by law, but it shall be valid effective, and shall apply to every work undertaken by the City pursuant to Division 1 of Part 19 of the "**Local Government Act**" for which a Construction By-law is adopted after the final adoption hereof.

12. A copy of this by-law shall be deposited with the Inspector of Municipalities immediately following the final adoption hereof.

13. "Local Improvement Cost Sharing By-law, 1968, No. 2873", Local Improvement Paving Procedure By-law, 1968, No. 2874", Local Improvement Cost Sharing By-law, 1969, No. 3049", "Local Improvement Cost Sharing By-law, 1969, No. 3049, Amendment By-law, 1969, No. 3085" and "Local Improvement Cost Sharing By-law, 1968, No. 2873, Amendment By law, 1970, No. 3116" are hereby repealed, but the provisions of same shall continue to apply to those works for which a Construction By-law was adopted prior to the final adoption of this by-law.

READ A FIRST AND SECOND TIME on the 31st day of August, A.D., 1970.

READ A THIRD TIME on the 5th day of October, A.D., 1970.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 13th day of October, A.D., 1970.

"W. N. Vander Zalm" MAYOR

"R. N. Chester" CLERK

A copy of this by-law deposited with the Inspector of Municipalities on the 30th day of October, 1970.

"LOCAL IMPROVEMENTS COST SHARING BY-LAW, 1970, NO. 3250"

SCHEDULE "A"

Drawing No. R-88 of the Engineering Department of the City of Surrey.