

Bylaw #18-95

Being a bylaw of the Village of Legal in the Province of Alberta to provide for implementation of a pre-authorized property tax installment payment plan.

WHEREAS Section 340 of the Municipal Government Act, Chapter M-26.1 1994, reads as follows:

- 340 (1) A council may by bylaw permit taxes to be paid by installments, at the option of the taxpayer.
- (2) A person who wishes to pay taxes by installments must make an agreement with the council authorizing that method of payment.
- (3) When an agreement under subsection (2) is made, the tax notice, or a separate notice enclosed with the tax notice, must state
- (a) the amount and due dates of the installments to be paid in the remainder of the year, and
 - (b) what happens if an installment is not paid.

AND WHEREAS Council of the Village of Legal considers it to be desirable to offer a pre-authorized tax installment payment plan to its taxpayers.

NOW THEREFORE the Municipal Council of the Village of Legal in the Province of Alberta, duly assembled, hereby enacts as follows:

1. This bylaw may be referred to as the "Tax Installment Payment Plan Bylaw".
2. Taxpayers of the Village of Legal may apply to enter into a Pre-authorized Tax Installment Payment Plan, attached as Schedule "A" to this bylaw, to provide for the payment of current property taxes and local improvement charges in equal installments from January to December in any year, in accordance with the following payment plan option:
 - a) equal monthly installments, payable the first or fifteenth day of each month, at the option of the applicant.
3. Payment shall be by way of depositing with the Village of Legal post-dated cheques upon application to enter into the Plan.
4. The Plan shall commence on January 1 of each year, provided that all taxes, local improvement charges, tax arrears and penalties are fully paid on or before December 31 of the preceding year.
5. Arrangements for installment payments must be made with the Municipal Administrator:
 - a) prior to January 1 of the current tax year; or
 - b) at any time after January 1 but prior to March 31 of the current tax year, provided that installment payments are brought current in accordance with the payment plan option at the time of application to enter into the Plan.

6. Before the tax notices are issued each year, the installment amount shall be calculated on the amount determined to be the previous year's tax levy.
7. The Municipal Administrator may revise the amounts of installments payable under the Plan:
 - a) to reflect changes to the assessed value of the property;
 - b) to reflect the imposition or termination of local improvement charges; and
 - c) to provide for payment pursuant to the Plan of amounts which in the event of non-payment are deemed at law to be taxes or to be recoverable as or in the same manner as taxes.
8. Where the property is subject to an increase in assessed value, prepayment installments shall be based on an amount estimated by the Municipal Administrator as the product of the previous year's mill rate applied against the new assessed value for the tax year for which payment is desired to be made.
9. The difference between the taxes levied for the current year and the total of the installments authorized under the Plan, will be due and payable when levied, or refunded, within thirty (30) of the tax notice being issued. Any balance remaining unpaid after December 31 of the current year is subject to penalty as provided by bylaw of the Village.
10. If a tax installment payment remains unpaid on the first day following the date of the month for which it is payable, a penalty not exceeding 1.5% of the installment payment shall be added to the amount of the tax installment payment payable by the taxpayer. If a payment remains unpaid on the same date of the following month, a further penalty not exceeding 1.5% of the installment shall be added.
11. The privilege of continuing the Plan will be cancelled if two (2) consecutive installment payments fail to be honored by the day named for the pre-authorized payment thereof and the Plan shall become null and void. The unpaid balance of taxes shall be subject to penalties as provided by bylaw of the Village.
12. Penalties shall not be applied to any account with a pre-authorized payment plan unless the privilege has been revoked by the Municipal Administrator.
13. Upon approval of an application by a taxpayer pursuant to this bylaw, the taxpayer shall pay taxes from year to year pursuant to the Plan without further application under this Bylaw.
14. A taxpayer paying taxes pursuant to the Plan may withdraw from the Plan at any time upon at least two (2) weeks written notice to the Municipal Administrator.
15. Should the property be sold or transferred within the year for which the Plan is applicable, it shall be the responsibility of the owner to make any alternate arrangements required.
16. A purchaser of property with respect to which payment of taxes is made pursuant to the Plan may apply to continue payment of taxes pursuant to the Plan.

17. Any amounts paid to the Village as a prepayment of current year's taxes are non-refundable.

EFFECTIVE DATE

This Bylaw shall come into force upon third and final reading.


READ a first time this 4th day of December, 1995 A.D.

READ a second time this 4th day of December, 1995 A.D.

READ a third and final time this 4th day of December, 1995 A.D.



Mayor



Administrator