

DISTRICT OF WEST KELOWNA

BYLAW NO. 0309

Green Bay Dredging Project - Phase 1 Establishment Bylaw

A bylaw of the City of West Kelowna to establish the Local Area Service for Arsenault Environmental Consulting Ltd and Tetra Tech Canada Inc. to be conducted for the Green Bay Dredging Project - Phase 1

WHEREAS pursuant to the provisions of Section 210 of the Community Charter, and amendments thereto, empowers the Council of the City of West Kelowna with the authority to adopt a local area service bylaw to recover costs from property owner's pursuant to Section 216 of the Community Charter and amendments thereto, who derive a benefit from the service provided from local improvement works;

AND WHEREAS pursuant to the provisions of Section 211 of the Community Charter, and amendments thereto, states that the Council of the City of West Kelowna must adopt a bylaw to establish a local area service;

AND WHEREAS pursuant to the provisions of Section 211 of the Community Charter, and amendments thereto, the local area service works proposed by this bylaw include the work to be conducted by Arsenault Environmental Consulting Ltd and Tetra Tech Canada Inc., for the engineering, biological, and environmental work required to obtain the necessary permits required to complete Phase 2 which would dredge the mouth of the Green Bay to provide the affected owners with a refined estimate on the work to be done for the dredging of the Green Bay Area only;

AND WHEREAS pursuant to the provisions of Section 148 and 212 (4) and (5) of the Community Charter, and amendments thereto, the Corporate Officer assigned responsibility has certified the sufficiency of the petition and the petitions received in favor of the proposed work was sufficient;

AND WHEREAS the Council of the City of West Kelowna has been advised through a report prepared by the Corporate Officer that the elector responses submitted by the affected property owners of the Local Area Service, requesting that Council to proceed the work to be conducted by Arsenault Environmental Consulting Ltd and Tetra Tech Canada Inc. for the Green Bay dredging are sufficient;

NOW THEREFORE the Municipal Council of the City of West Kelowna, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the "Green Bay Dredging Project - Phase 1 Establishment Bylaw No. 0309, 2023."
2. There shall be and is hereby established a Local Area Service (LAS) under the provision of the Community Charter, and amendments thereto, to be known as the "Green Bay Dredging Project - Phase 1 Local Are Service";
3. The boundaries of the City of West Kelowna Green Bay Dredging Project - Phase 1 Local Area Service project is outlined in Schedule "A" attached to and forming part of this bylaw;

4. The City of West Kelowna is hereby authorized to move forward with the work to be conducted by Arsenault Environmental Consulting Ltd and Tetra Tech Canada Inc., for the engineering, biological, and environmental work required to obtain the necessary permits required to complete Phase 2 which would dredge the mouth of the Green Bay to provide the affected owners with a refined estimate on the work to be done for the dredging of the Green Bay Area LAS as outline in Schedule "A" attached to and forming part of this bylaw;
5. The entire capital costs of the work shall be borne by the benefiting area, as identified in Schedule A, and shall be raised by way of a local service parcel tax under Section 216 of the Community Charter, levied in 20 annual instalments commencing after completion of construction;
6. Upon completion of the local area service works, the actual construction cost will be specially charged against the parcels benefiting from, being the parcels shown on Schedule A as attached to and forming part of this bylaw;
7. Should the sums recovered through the levy of the local service parcel tax at any time be insufficient to meet the costs of repayment of the debt, the Council may levy and impose within the benefiting area an additional 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;
8. Any person whose parcel is subject to being specially charged under Section 4 of this bylaw, may elect to make a one-time payment of the portion of the cost of construction assessed upon their parcel within sixty days of receipt of written instructions from the Collector.

READ A FIRST, SECOND AND THIRD TIME THIS 13TH DAY OF JUNE, 2023

ADOPTED THIS

MAYOR

CORPORATE OFFICER

Schedule A

