

## BYLAW 2023-38

### BEING A BYLAW OF THE TOWN OF DIAMOND VALLEY IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR A PRE-AUTHORIZED TAX INSTALMENT PAYMENT PLAN

**WHEREAS** pursuant to the *Municipal Government Act* (MGA), RSA 2000, Chapter M-26 as amended, a municipal council has authority to govern and the authority to pass a bylaw for the purposes of permitting property Taxes to be paid by pre-authorized instalments owing to the Town of Diamond Valley;

**WHEREAS** Section 340 of the MGA permits Council to provide for the payment of property Taxes by instalments;

**WHEREAS** Council of the Town of Diamond Valley deems it desirable to pass a bylaw to allow taxpayers to pay Taxes imposed under the MGA by way of instalments;

**AND WHEREAS** Council wishes to establish the terms under which Taxes may be paid in instalments;

**THEREFORE, BE IT RESOLVED THAT** the Council of the Town of Diamond Valley, duly assembled, enacts as follows:

#### 1.0 TITLE AND PURPOSE

1.1 This bylaw may be cited as the "Tax Instalment Payment Plan (TIPP) Bylaw".

#### 2.0 INTERPRETATION AND DEFINITIONS

2.1 In this bylaw and any schedules to this bylaw, the following terms, phrases, words and their derivations shall have the following meanings:

- a) **CAO** means the Chief Administrative Officer of the Town of Diamond Valley.
- b) **Council** means the duly elected Council of the Town of Diamond Valley.
- c) **EFT** means the pre-authorized electronic funds transfer process which allows money to be electronically transferred from a Taxpayer's Bank Account to the Town's bank account.
- d) **Payment** means the instalment to be transferred from a Taxpayer's Bank Account to the Town's bank account through the EFT Process.
- e) **Payment Date** means each day upon which money will be transferred from the Taxpayer's Bank Account to the Town's bank account through the EFT Process.
- f) **Tax Arrears** means Taxes that remain unpaid after December 31 of the year in which they are imposed.
- g) **Tax Instalment Payment Plan or TIPP** means an agreement between the Town and the taxpayer authorizing the Payment of Taxes in instalments through an EFT Process and includes any terms and conditions.
- h) **Taxes** includes property Taxes, local improvement Taxes and supplemental Taxes, the amount which, in the event of non-payment, are deemed at law to be Taxes or are recoverable as, or in the same manner as, Taxes and any penalties on such Taxes of amounts and charges lawfully imposed pursuant to the MGA or any other statute of the Province of Alberta.
- i) **Taxpayer's Bank Account** means a bank account designated by the taxpayer.
- j) **Town** means the municipality of the Town of Diamond Valley in the Province of Alberta, or, where the context so requires, its municipal boundaries.

- 2.2 The headings in this bylaw do not form part of this bylaw and shall not affect its interpretation.
- 2.3 Any references in this bylaw to any Statutes are to the *Province of Alberta Statutes* as amended or replaced from time to time and any amendments thereto.
- 2.4 Within the text of this Bylaw;
- a) use of a pronoun or determiner which indicates one gender shall include all genders unless the context requires otherwise, and
  - b) use of the singular shall include the plural and the plural shall include the singular as the context requires.
- 2.5 The word “may” when used in this bylaw shall be construed as permissive and empowering, and the word “shall” when used in this bylaw shall be construed as imperative.
- 3.0 TAX INSTALMENT PAYMENT PLAN (“TIPP” or “Plan”)**
- 3.1 A taxpayer may pay property Taxes in instalments provided that the taxpayer is enrolled in a Tax Instalment Payment Plan.
- 3.2 Taxes payable under the Plan shall be deemed to be due and owing in accordance with this bylaw and the terms and conditions of the Plan.
- 4.0 APPLICATION**
- 4.1 A taxpayer who wishes to enroll in the Plan must submit a completed application to the CAO or designate for approval.
- 4.2 The application shall include:
- a) a completed application form, signed by the taxpayer; and
  - b) a void cheque or other documentation that would allow the Town to use the EFT Process.
- 5.0 ENROLMENT AND PAYMENTS**
- 5.1 An application for enrollment in the Plan for the current year's Taxes must be received by the CAO or designate on or before ten (10) days prior to the selected withdrawal date.
- 5.2 The CAO or designate may enroll a taxpayer in the Plan if, on the date of application, all Tax Arrears, transferred utilities, penalties and other amounts charged to the tax account have been paid in full.
- 5.3 The CAO or designate shall calculate the amount of the Payments for the Plan at the time that the taxpayer is enrolled in the Plan. Payments shall be in instalments calculated so that the cumulative Payments will pay, in full, the outstanding balance of the Taxes by the end of the calendar year.
- 5.4 At the time the taxpayer is notified of their enrolment in the Plan, the taxpayer shall also be notified of the Payment Date and the amount of the Payments.

**6.0 DEFERRAL OF PAYMENTS**

- 6.1 During any federally or provincially declared State of Emergency, Public Health Emergency or other similarly declared emergency or disaster, Council may, by resolution, invoke this section in accordance with section 347(1) of the MGA, and direct Administration to provide for deferral of property tax Payments for a specified period of time.

**7.0 RECALCULATION OF PAYMENTS**

- 7.1 In the event that the Taxpayer's EFT process fails, the Taxpayer must pay any NSF charges, per section 8.4, and may either pay the amount of the failed EFT or may request a recalculation of the TIPP Payments in accordance with this Bylaw.
- 7.2 In the event that outstanding utility account balances are transferred to a tax account, the TIPP Payment will be recalculated in accordance with this Bylaw and the Taxpayer shall be advised in writing of the changes and the amount of the Payment to be made.
- 7.3 The CAO or designate may recalculate the amount of the Payments, as required and at any time, at their discretion, and shall advise the taxpayer, in writing, of any changes in the amount of the Payments to be made.
- 7.4 The CAO or designate may recalculate the amounts of the Payments following a deferral of Payments, undertaken in accordance with section 6.1 of this bylaw, to ensure that taxpayers reinstating the Plan after any deferral shall pay the outstanding balance of the Taxes by the end of the calendar year.
- 7.5 Changes in the amount of the Payments shall be effective as of the Payment Date specified in the notice of change in Payments sent to the taxpayer.

**8.0 PENALTIES AND CHARGES**

- 8.1 No penalties shall be imposed with respect to the outstanding balance of the Taxes for the current year as long as the Plan remains in good standing.
- 8.2 The Plan is no longer in good standing if:
- a) the EFT process fails;
  - b) the taxpayer fails to comply with the terms and conditions of the Plan.
- 8.3 When the Plan is no longer in good standing, penalties may be applied to the outstanding balance of the Taxes for the current year in accordance with the current Town's Tax Rates Bylaw, as amended. Subject to section 9.1, the balance outstanding on the tax roll may be immediately due and payable.
- 8.4 The taxpayer shall pay a Non-Sufficient Funds (NSF) charge to the Town, in accordance with the Town's current fee structures, each time the EFT process fails. The service charge shall be due and payable immediately upon the taxpayer being notified by the CAO or designate that the EFT Process has failed for the Payment.

- 8.5 For the purposes of this bylaw, the Payments will be deemed to have failed when the taxpayer's bank notifies the Town that an EFT will not be processed.

## **9.0 TERMINATION OF TAX INSTALMENT PAYMENT PLAN**

- 9.1 The CAO or designate may terminate a taxpayer's enrolment in the Plan if the Plan is no longer in good standing.
- 9.2 A taxpayer may terminate the Plan at any time, provided that written notification of the termination is provided to the CAO or designate no later than fifteen (15) days in advance of the next Payment Date.
- 9.3 When a Plan is terminated, penalties may be applied to the outstanding balance of the Taxes for the current year in accordance with the Town's current Tax Rates Bylaw, as amended, and the balance outstanding on the tax roll shall immediately be due and payable.


## **10.0 GENERAL PROVISIONS AND COMING INTO FORCE**

- 10.1 If any term, clause or condition of this bylaw or the application thereof is found to be invalid or unenforceable, the remainder of this bylaw or application of such term, clause or condition shall not be affected and shall remain in force and effect.
- 10.2 Nothing in this bylaw relieves any person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.
- 10.3 In the event of a conflict between this bylaw and any other bylaw or any applicable federal or provincial law, regulation or enactment respecting public health and safety, the other bylaw, law, regulation or enactment shall prevail to the extent of the conflict.
- 10.4 This bylaw repeals Town of Black Diamond Bylaw 2022-20 in its entirety and all amendments thereto. This bylaw repeals Town of Turner Valley Bylaw 22-1137 in its entirety and all amendments thereto.
- 10.5 This bylaw shall come into force and effect on the date of third and final reading.

**READ A FIRST TIME** on the 20<sup>th</sup> day of December, 2023

**READ A SECOND TIME** on the 20 day of December, 2023

**READ A THIRD AND FINAL TIME** on the 20 day of December, 2023

  
Mayor  
Chief Administrative Officer