

## BYLAW 08-20

### A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO PROVIDE FOR A PRE-AUTHORIZED TAX INSTALMENT PAYMENT PLAN

**WHEREAS** pursuant to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 (*MGA*) and amendments thereto, Council may pass a Bylaw for the purpose of permitting property and supplemental property taxes to be paid by pre-authorized instalments within the Town of Okotoks, and

**WHEREAS** pursuant to section 340 of the *MGA* permits Council to provide for the payment of taxes by instalments;

**WHEREAS** Council wishes to allow taxpayers to pay taxes imposed under the *MGA* by way of instalments;

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

**NOW THEREFORE** the Council of the Town of Okotoks enacts as follows:

#### 1. SHORT TITLE

This Bylaw may be known as the "Tax Instalment Payment Plan Bylaw".

#### 2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 2.1 **EFT Process** means the pre-authorized electronic funds transfer process which will allow money to be electronically transferred from the Taxpayer's Bank Account to the Town's bank account;
- 2.2 **Payment** means the instalment to be transferred from a Taxpayer's Bank Account to the Town's bank account through the EFT Process;
- 2.3 **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 use of the EFT Process;

- 2.4 **Taxes** includes all: property taxes; local improvement taxes; supplemental taxes; the amounts which in the event of non-payment are deemed at law to be taxes, or 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;
- 2.5 **Tax Instalment Payment Plan** 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;
- 2.6 **Taxpayer's Bank Account** means a bank account designated by the taxpayer; and

Unless the context otherwise requires, or is otherwise defined herein, the words and phrases contained in this bylaw shall have the same meaning as in the *MGA*.

### 3. TAX INSTALMENT PAYMENT PLAN

- 3.1 A taxpayer may pay Taxes in instalments provided that the taxpayer is enrolled in a Tax Instalment Payment Plan.
- 3.2 Taxes payable under a Tax Instalment Payment Plan shall be deemed to be due and owing in accordance with this bylaw and the terms and conditions of the Tax Instalment Plan.

### 4. APPLICATION

- 4.1 A taxpayer who wishes to enroll in a Tax Instalment Payment Plan must submit an application (Schedule A) to the Chief Administrative Officer for approval.
- 4.2 An 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. ENROLMENT**

- 5.1 The Chief Administrative Officer may enroll a taxpayer in a Tax Instalment Payment Plan if on the date of application, all Taxes due, tax arrears and penalties owed to the Town by the taxpayer, have been paid in full.
- 5.2 An application for enrollment in a Tax Instalment Payment Plan for the current year's Taxes must be received by the Chief Administrative Officer on or before the 24<sup>th</sup> day of each month.
- 5.3 When a supplementary tax notice is issued after July annually, an application for enrollment in a Tax Instalment Payment Plan for the current year's Taxes must be received by the Chief Administrative Officer on or before September 24.

## **6. AMOUNT OF PAYMENTS**

- 6.1 The Chief Administrative Officer shall calculate the amount of the Payments for the Tax Instalment Payment Plan at the time that the taxpayer is enrolled in the Tax Instalment Payment Plan. The 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.
- 6.2 At the time the taxpayer is notified of their enrolment in the Tax Instalment Payment Plan, the taxpayer shall also be notified of the Payment Date and the amount of the Payments.

## **7. RECALCULATION OF PAYMENTS**

- 7.1 The Chief Administrative Officer may recalculate the amount of the Payments twice a year, in July and January and shall advise the taxpayer, in writing, of any changes in the amount of the Payments to be made.
- 7.2 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. 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 Tax Instalment Payment Plan remains in good standing.
- 8.2 A Tax Instalment Payment 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 Tax Instalment Payment Plan.
- 8.3 When a Tax Instalment Payment 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 Tax Penalty Bylaw XX-XX and the balance outstanding on the tax roll shall be immediately due and payable.
- 8.4 The taxpayer shall pay a dishonoured payment charge to the Town, in an amount set out by bylaw, every time the EFT Process fails. The service charge shall be due and payable immediately upon the taxpayer being notified by the Chief Administrative Officer 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 a fund transfer will not be processed.

## **9. TERMINATION OF TAX INSTALMENT PAYMENT PLAN**

- 9.1 The Chief Administrative Officer shall cancel a taxpayer's enrolment in a Tax Instalment Payment Plan if the Tax Instalment Payment Plan is no longer in good standing.
- 9.2 A taxpayer may cancel a Tax Instalment Payment Plan at any time, provided that electronic notification of the cancellation via the cancellation form (Schedule B) on the Town's website has been provided to the Chief Administrative Officer no less than fifteen days in advance of the next Payment Date.
- 9.3 When a Tax Instalment Payment Plan is cancelled, penalties may be applied to the outstanding balance of the Taxes for the current year in accordance with the Tax Penalty Bylaw XX-XX and the balance outstanding on the tax roll shall immediately be due and payable.

## 10. GENERAL

- 10.1 Without restricting any other power, duty or function granted by this bylaw or otherwise, the Chief Administrative Officer may:
- a) establish the form and method of notification for the purposes of this bylaw;
  - b) establish the application form for a Tax Instalment Payment Plan
  - c) establish the terms and conditions of a Tax Instalment Payment Plan, including but not limited to any terms and conditions that are necessary to reflect the requirements of the Canadian Payment Association for the EFT Process, and
  - d) delegate any of his or her powers, duties or functions under this bylaw.

## 11. SEVERABILITY

- 11.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

Bylaw 27-93 and any amendments thereto are hereby repealed upon this Bylaw coming into effect.


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

READ A FIRST TIME this 13<sup>th</sup> day of January, 2020.

READ A SECOND TIME this 13<sup>th</sup> day of January, 2020.

READ A THIRD TIME AND PASSED this 13<sup>th</sup> day of January, 2020.

  
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Mayor

  
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Chief Administrative Officer