

BEING A BYLAW OF THE CITY OF WETASKIWIN, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A RESIDENTIAL ASSESSMENT SUBCLASS BYLAW

WHEREAS pursuant to section 297 of the *Municipal Government Act*, RSA 2000 Chapter M-26, as amended, City Council may pass bylaws setting the assessment subclasses for residential property;

AND WHEREAS City Council wishes to establish a Mature Area Derelict Residential property subclass that would take effect in the 2025 taxation year, and any future tax years;

AND WHEREAS properties within the defined geographical area on Schedule “A” attached are considered mature neighbourhoods within the City of Wetaskiwin;

AND WHEREAS pursuant to section 325.1 of the *Municipal Government Act*, such bylaws may remain in force in subsequent years until they are repealed;

NOW THEREFORE under the authority of the *Municipal Government Act*, the Council of the City of Wetaskiwin, in the Province of Alberta, enacts as follows:

1. TITLE

1.1. This Bylaw may be cited as the “*Residential Assessment Subclass Bylaw*.”

2. DEFINITIONS

2.1. In this bylaw:

- a) “**Act**” means the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended;
- b) “**Municipal Assessment Roll**” means assessment roll as defined in section 303 of the Act;
- c) “**City**” means the City of Wetaskiwin;
- d) “**Council**” means the duly elected Mayor and Councillors of the City;
- e) “**Manufactured Home**” means manufactured home as defined in section 284(1)(m) of the Act;
- f) “**Manufactured Home Community**” means manufactured home community as defined in section 284(1)(n) of the Act;
- g) “**Mature Area Derelict Residential**” means a subclass of property classified as Class 1 – residential, as set out in section 297 of the Act, which is a property that:
 - i) Falls within the geographic area displayed on Schedule “A”; and
 - ii) Contains a fully or partially constructed improvement, designed to have a residential living area, where the improvement shows serious signs of neglect, is dilapidated, falling into significant disrepair, or is uninhabitable, including but not limited to improvements;
 - A) That are deserted, or abandoned;

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- B) Which are partially or fully boarded up or secured;
 - C) For which an order indicating an improvement or the property is unfit for habitation have been issued;
 - D) Which were abandoned while in the process of being constructed without construction being complete; or
 - E) Which were abandoned while in the process of demolition without demolition being complete.
- h) **“Mature Neighbourhoods”** means neighbourhoods within the City of Wetaskiwin that have been subdivided and built out prior to 1970;
- i) **“Mobile Home”** means mobile home as defined in section 284(1)(n.1) of the Act;
- j) **“Municipal Assessment Roll”** means the assessment roll as prepared pursuant to sections 302 and 303 of the Act;
- k) **“Other Residential”** means a subclass of property classified as Class 1 – residential, as set out in section 297 of the Act, which includes property, or a portion of property that contains:
- i) four or more self-contained dwelling units which are used or intended to be used for permanent living accommodations, together with any other buildings or amenity areas located on the property that are ancillary to the dwelling units; or
 - ii) vacant land that in the future, as designated by a land use bylaw, a neighbourhood area structure plan, or an area structure plan, may be developed into a property that contains four or more self-contained dwelling units to be used for permanent living accommodations;
- but not including a property that falls into the Mature Area Derelict Residential subclass.
- l) **“Person”** means an individual, partnership, association, corporation, trustee, executor, administrator, or legal representative;
- m) **“Property”** means property as defined by the Act;
- n) **“Residential”** means a subclass of property classified as Class 1 – residential, as set out in section 297 of the Act, which includes property, or a portion of property, that contains:
- i) three or less self-contained dwelling units which are used or intended to be used for permanent living accommodations, together with any other buildings or amenity areas located on the property that are ancillary to the dwelling units;
 - ii) a self-contained dwelling unit and parking area, if any, established under the same condominium plan and any common property associated with the unit;

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- iii) a mobile home or manufactured home located on a site in a mobile home or manufactured home community, and any other improvements located on the property owned and occupied by the person occupying the mobile home or manufactured home;
 - iv) vacant land that in the future, as designated by a land use bylaw, a neighbourhood area structure plan, or an area structure plan, may be developed into a property used for permanent living accommodations that will not contain more than three self-contained dwelling units;

but does not include any portion of a property that falls into the Other Residential subclass or a property that falls into the Mature Area Derelict Residential subclass.
- o) **“Residential Assessment Class Property”** means residential property as defined in section 297(4)(c) of the Act; and
 - p) **“Tax Arrears”** “means taxes that remain unpaid after December 31 of the year in which they are imposed;”¹
 - q) **“Tax Rate”** is as described in Division 2, “Property Tax” of the Act;
 - r) **“Tax Recovery”** “means a notice, in writing, that part or all of the taxes imposed in respect of a parcel of land by a municipality are in arrears.”²

3. INTERPRETATION AND APPLICATION

- 3.1. This bylaw applies to all properties identified in the attached Schedule A – Mature Area Derelict Residential Subclass within the City.

4. GENERAL

- 4.1. All references in this bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a person, or a corporation or partnership.
- 4.2. For the Municipal Assessment Roll for the 2025 taxation year, and any future Municipal Assessment Rolls, all Residential Assessment Rolls and all Residential Assessment Class Property within the City is hereby divided into the following subclasses:
 - a) Residential;
 - b) Other Residential;
 - c) Mature Area Derelict Residential.
- 4.3. The Property Tax Bylaw for the 2025 taxation year, and any future tax years will include a tax levy equivalent to the non-residential tax rate for any properties identified under the subclass Mature Area Derelict Residential.

¹ *Municipal Government Act*, RSA 2000, c. M-26, s 326(1).

² *Municipal Government Act*, RSA 2000, c. M-26, s 410(f).

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- 4.4. Properties identified under the subclass Mature Area Derelict Residential will be clearly identified as such on their Assessment Notice.

5. ENFORCEMENT AND PENALTY

- 5.1. Pursuant to Tax Penalty Bylaw 1958-20, and any amendments, and the Act, a property in Tax Arrears for more than one year will be included in the annual Tax Arrears List.
- 5.2. In conjunction with the Act, Tax Recovery notification steps for any Tax Arrears will be undertaken.

6. SEVERABILITY

- 6.1 If a court of competent jurisdiction should declare any section or subsection of this bylaw to be invalid, such section or subsection shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and remain in force.

7. TRANSITION

- 7.2 This bylaw shall come into full force and effect on June 10th, 2024.

READ a first time this 10th day of June, 2024

READ a second time this 10th day of June, 2024

READ a third time this 10th day of June, 2024

*Original has been signed sealed and filed
with the City Clerk's Office*

Tyler Gandam, Mayor

Sue Howard, City Manager

SCHEDULE 'A'
Geographic Area – Mature Area Neighbourhoods

