

Eastern Irrigation District

BYLAW 898 (2014)

Being A Bylaw To Impose A Capital Assets Charge On Parcels That Have Irrigation Acres Added to the Assessment Roll
[Irrigation Districts Act, Sections 125 and 177 (2)(d), (2)(j)]

WHEREAS the Irrigation Districts Act authorizes a district to pass a bylaw imposing a capital assets charge respecting parcels that have irrigation acres added to the assessment roll;

AND WHEREAS the Board of Directors of the Eastern Irrigation District deems it expedient to pass a bylaw imposing a capital assets charge on parcels that have irrigation acres added to the assessment roll;

NOW THEREFORE, the Board of Directors of the Eastern Irrigation District hereby enacts as follows:

1.0 This Bylaw may be cited as the “**Capital Assets Charges Bylaw**”.

Definitions

- 2.0 When used in this Bylaw,
- (a) “Irrigation Districts Act” or “Act” mean the Irrigation Districts Act, chapter I – 11, RSA 2000.
 - (b) “Board of Directors” means the Board of Directors of the District.
 - (c) “District” means the Eastern Irrigation District or the geographic area contained within the boundary of the Eastern Irrigation District, as the case may require.
 - (d) Any other word or phrase that is defined in the Act and used in this Bylaw shall have the same meaning as given to the word or phrase by the Act.

Capital Assets Charge

- 3.0 Effective on the 19th day of November, 2008, the capital assets charges shall be:
- 3.01 Conversion of Terminable Acres
- (a) For each acre that has continuously been recorded on the assessment roll as a terminable acre since the 2nd day of March, 2006 and that is added to the assessment roll as an irrigation acre, the capital assets charge shall be **\$100.00** per acre,
- 3.02 Infill and Intensification Acres
- (a) For each irrigation acre added to the assessment roll on a parcel that already has irrigation acres, the capital assets charge shall be **\$300.00** per acre for up to a maximum of 50 irrigation acres per parcel.
 - (b) The capital assets charge shall be **\$700.00** per acre for each irrigation acre added to the assessment roll in excess of the 50 irrigation acres described in clause 3.02(a).
- 3.03 New Acres
- (a) The capital assets charge for each irrigation acre added to the assessment roll, that is not added to the assessment roll pursuant to clause 3.01 (Terminable Acre) or pursuant to clause 3.02 (Infill and Intensification Acre), shall be **\$700.00** per acre.
- 3.04 In addition to the applicable capital assets charge set out in clauses 3.01, 3.02 or 3.03 above, the landowner shall pay the sum total of all of the costs required for the installation of any and all irrigation works required to provide for the diversion of water for irrigation purposes from the irrigation works of the District to the parcel of land or irrigable unit where the irrigation acres are to be added to the assessment roll. The EID will contribute 75% of the cost of any irrigation works specifically required for any new parcel (turnout, pipeline extension to property, check structure, etc.), up to 25% of the Capital Asset charge.
- 3.05 The whole of each parcel in which irrigation acres are added is charged with payment to the District of the amount equal to the total capital assets charge imposed on that parcel.

Payment of Capital Assets Charge

- 4.0 In each instance where new irrigation acres are approved to be added to the assessment roll of the District, the District is to be paid for the capital assets charge in the following manner:

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- 4.01 Where additional irrigation works are required to provide for the diversion of water for irrigation purposes from the irrigation works of the District to the parcel of land or irrigable unit where irrigation acres are to be added to the assessment roll, the full and total amount, including all labour, material, plant and/or any other costs of that service shall be due and payable to the District upon receipt of an invoice for the same and such costs shall be paid in addition to any capital assets charge.
- 4.02 Where the capital assets charge is less than Two Thousand Five Hundred Dollars [\$2,500.00], the capital assets charge must be paid in full prior to the irrigation acres being added to the assessment roll.
- 4.03 (a) Where the capital assets charge is greater than or equal to Two Thousand Five Hundred Dollars (\$2,500.00), the capital assets charge, at the request of the landowner, may be paid to the District over a term of not more than ten (10) years.
- (b) In order to be eligible to make payments under this clause, a landowner must first enter into a capital assets charge and financing agreement with the District, which agreement will include provisions for the following:
- (i) the landowner shall agree to pay the full amount of the capital assets charge (the "Loan") in equal annual installment payments, plus interest and penalties, as provided for in this bylaw;
 - (ii) the first annual principal payment shall be due upon execution of the agreement;
 - (iii) each subsequent annual payment shall be due and payable, including all interest and penalties, by the 31st day of December in each year as set out in the agreement;
 - (iv) the interest rate, expressed as an annual percentage rate, applicable during the term of a Loan, or during any period or periods of time within the term of a Loan, shall be the interest rate or rates approved, from time to time, by resolution of the Board of Directors;
 - (v) interest shall compound annually and be calculated and paid on the full outstanding balance of principal, interest and penalties.
- 4.04 In addition to any interest that may be added pursuant to clause 4.03, a penalty in the amount of eight (8) percent shall be added to any past due amount outstanding on the first day of January and on the first day of July in each year for so long as any past due amount remains outstanding.

Previous Bylaws Repealed and Replaced

- 5.0 This bylaw supersedes and replaces all previous bylaws for capital assets charges.
- 5.01 **Bylaw 868 (2008)** is hereby repealed.

Chairman

General Manager

This bylaw was introduced and read the 1st time on the **21st** day of **March, 2014**.

This by-law was read the 2nd time on the **21st** day of **March, 2014**.

This by-law was read the 3rd time and finally passed on the **21st** day of **March, 2014**.