

Rural Municipality of Malpeque Bay, PEI

A Bylaw to Establish Tax Rates

Bylaw # 2018-003

BE IT ENACTED by the Council of the Rural Municipality of Malpeque Bay as follows:

1. Title

1.1. This bylaw shall be known and cited as the “Tax Rate Groups Bylaw.”

2. Authority

- 2.1. Subsection 8(1) of the *Real Property Tax Act*, RSPEI 1988 c R-5, provides the authority for Council to establish tax rates.
- 2.2. Subsection 160(1) of *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., enables Council to set and approve a rate or rates, by resolution, for all real property within the jurisdiction and boundaries of the municipality.
- 2.3. Subsection 160(2) enables Council to establish, by bylaw, separate tax rate groups in the municipality for purposes of raising revenue sufficient to defray projected municipal expenditures.

3. Application

3.1 This bylaw applies to all real property within the boundaries of a municipality that is liable each calendar year to taxation by the municipality.

4. Definitions

- 4.1. “Act” means the *Municipal Government Act*.
- 4.2. “Chief Administrative Officer” or “CAO” means the administrative head of a municipality as appointed by Council under subsection 86(2)(c) of the *Municipal Government Act*.
- 4.3. “Council” means the Mayor and other members of the Council of the municipality.
- 4.4. “Councillor” means a member of Council other than the Mayor.
- 4.5. “Operating Budget” is the annual budget of Council stated in terms of Budget Classification Code, functional categories and cost accounts.
- 4.6. “Capital Budget” is the annual budget of Council allocating money for the acquisition or maintenance of fixed assets such as land, buildings, and equipment.
- 4.7. “Lien” means an encumbrance or charge on a property to secure the debt owed by the property owner to the Rural Municipality of Malpeque Bay.
- 4.8. “Tax rate group” means, in accordance with section 159 of the Act, commercial or non-commercial real property in a municipality that has similar specified attributes, including but not limited to (a) access to municipal services not available in other areas of the municipality; (b) access to a higher level of municipal services than that available in other areas of the municipality; (c) geographic location in the municipality; (d) property use; or (e) property ownership.

5. General

- 5.1. Council, through this bylaw, establishes tax rate groups within the municipality and may apply different tax rates to each group to reflect the differences in services provided.
- 5.2. The rate or rates of tax that may be approved by Council shall consist only of one commercial rate and one non-commercial rate for each tax group.
- 5.3. Council will set tax rates within the municipality by resolution.
- 5.4. Council may set a different tax rate where it has created a tax rate group based on property use or type in accordance with subsection 160(2) of the Act.

6. Tax Groups

- 6.1 The Rural Municipality of Malpeque Bay establishes, under this bylaw, the following tax rate groups:
 - (1.a) commercial
 - (1.b) non-commercial
 - (1.c) non-resident

7. Establishing Group Rates

- 7.1. The tax rates for each group shall be established by resolution of Council on an annual basis prior to March 31st. Tax rate groups established in this bylaw are identified in “Schedule A” of this bylaw.

8. Notification

- 8.1. Council shall notify the Provincial Tax Commissioner in writing regarding rate or rates of taxation to be set for the period of January to December prior to March 31 of the year to which rates apply.
- 8.2. Where the municipality is restructured, Council shall notify the Provincial Tax Commissioner of the restructuring on or before September 30 of the preceding calendar year.
- 8.3. Where Council has established or changed a tax rate group, Council shall notify the Provincial Tax Commissioner on or before December 31 of the preceding calendar year.

9. Restrictions on Rate Setting

- 9.1. Council shall not approve a change to a tax rate to take effect at any time except on January 1 of the year in which the new tax rate applies.
- 9.2. Council shall not approve a change to a tax rate to apply for a period of time less than a full calendar year.

10. Enforcement

- 10.1. The Minister of Finance collects and is responsible for enforcing the collection of taxes on behalf of the Rural Municipality of Malpeque Bay.

11. Effective Date

- 11.1. This Tax Group Bylaw, Bylaw# 2018-003, shall be effective on the date of approval

and adoption below.

First Reading:

This Tax Rate Groups Bylaw, Bylaw# 2018-003, was read a first time at the Council meeting held on the 14th day of March, 2018.

This Tax Rate Group Bylaw, Bylaw# 2018-003, was approved by a majority of Council members present at the Council meeting held on the 14th day of March, 2018.

Second Reading:

This Tax Rate Groups Bylaw, Bylaw# 2018-003, was read a second time at the Council meeting held on the _____ day of _____, 2018.

This Tax Rate Groups Bylaw, Bylaw# 2018-003, was approved by a majority of Council members present at the Council meeting held on the _____ day of _____, 2018.

Approval and Adoption by Council:

This Tax Rate Groups Bylaw, Bylaw# 2018-003, was adopted by a majority of Council members present at the Council meeting held on the _____ day of _____, 20XX.

12. Signatures

Mayor

Chief Administrative Officer

This Tax Rate Group Bylaw adopted by the Council of the Rural Municipality of Malpeque Bay on _____ is certified to be a true copy.

Chief Administrative Officer

Date