

**BYLAW 2020-05  
TOWN OF BLACK DIAMOND**

**A BYLAW TO PROVIDE FOR A PRE-AUTHORIZED TAX INSTALMENT PAYMENT PLAN WITHIN THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA.**

**WHEREAS**, the *Municipal Government Act*, R.S.A. 2000, c. M-26 (*MGA*), and amendments thereto, provides that a Council may pass a Bylaw for the purposes of permitting property taxes to be paid by pre-authorized instalments within the Town of Black Diamond;

**WHEREAS** 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;

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

**NOW THEREFORE** the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. TITLE**

- 1.1. This Bylaw may be cited as the “Tax Instalment Payment Plan Bylaw”.

**2. DEFINITIONS**

- 2.1. “*Act*” means the *Municipal Government Act*, R.S.A. 2000 M-26 (*MGA*), as amended;
- 2.2. “*Bylaw*” means a Bylaw of the Town;
- 2.3. “*Chief Administrative Officer*” or “*CAO*” means the person appointed by the Council of the Town of Black Diamond to carry out the power, duties and functions of the CAO. It may also mean a person appointed to this position on an interim basis, or a person to whom the CAO has delegated their authorities to, in accordance with the Town of Black Diamond Chief Administrative Officer Bylaw;
- 2.4. “*Council*” means the Council of the Town of Black Diamond;
- 2.5. “*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;
- 2.6. “*Payment*” means the instalment to be transferred from a Taxpayer’s Bank Account to the Town’s bank account through the EFT Process;
- 2.7. “*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;

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- 2.8. “*Tax Arrears*” means taxes that remain unpaid after December 31 of the year in which they are imposed;
- 2.9. “*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;
- 2.10. “*Taxes*” includes all: property taxes; local improvement taxes; 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;
- 2.11. “*Taxpayer’s Bank Account*” means a bank account designated by the taxpayer;
- 2.12. “*Town*” means the Corporation or the Town of Black Diamond.

**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 Payment Plan.

**4. APPLICATION**

- 4.1. A taxpayer who wishes to enroll in a Tax Instalment Payment Plan must submit a completed application 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 AND PAYMENTS**

- 5.1. 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.
- 5.2. The Chief Administrative Officer may enroll a taxpayer in a Tax Instalment Payment 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 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. 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.

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- 5.4. 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.

**6. DEFERRAL OF PAYMENTS**

- 6.1. During any federally or provincially declared State of Emergency, any State of Local Emergency, Public Health Emergency or other similarly declared emergency or disaster, Council may, by resolution, invoke this section and direct Administration to provide for deferral of property tax payments for a specified period of time.

**7. RECALCULATION OF PAYMENTS**

- 7.1. The Chief Administrative Officer may recalculate the amounts 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. The Chief Administrative Officer 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 a Tax Installment Payment Plan after any deferral shall pay the outstanding balance of the Taxes by the end of the calendar year.
- 7.3. 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 Town of Black Diamond's Tax Penalties Bylaw 97-06, or as amended or replaced, and the balance outstanding on the tax roll shall 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 Building, Development and Related Fees Policy (DEV-003), each 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.

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- 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 electronic 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 written notification of the cancellation is provided to the Chief Administrative Officer no later 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 Town of Black Diamond's Tax Penalties Bylaw 97-06, or as amended or replaced, 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 their powers, duties or functions under this Bylaw.
- 10.2.** It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.
- 10.3.** 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.
- 10.4.** Bylaw 11-11 and any amendments thereto are repealed in their entirety.

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**10.5.** This Bylaw will take force and effect upon third and final reading and signing thereof.

**READ A FIRST TIME** this 15<sup>th</sup> day of April A.D. 2020.

**READ A SECOND TIME** this 6th day of May A.D. 2020.

**READ A THIRD AND FINAL TIME** this 6th day of May A.D. 2020.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
LEGISLATIVE SERVICES MANAGER

May 8, 2020  
\_\_\_\_\_  
Date signed

