Agenda – Council – February 24, 2010

Report – Executive Policy Committee – February 17, 2010

Item No. 3 Amendment to Frontage Levy By-law No. 7958/2002 – Align definitions contained within the By-law with current practice
eFile FL

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2010, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That the amendment to the Frontage Levy By-law No. 7958/2002 – to align the definitions contained within the by-law with current practice - be enacted.

2. That the Proper Officers do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – February 17, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2010, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

ISSUE: **FRONTAGE LEVY BY-LAW NO. 7958/2002 – Housekeeping amendment to align the definitions contained within the by-law with current practice**

Critical Path: **EXECUTIVE POLICY COMMITTEE - COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
Mel Chambers	Nelson Karpa	N/A	G Laubenstein

RECOMMENDATIONS

1. That the attached amendment to the Frontage Levy By-Law No. 7958/2002 – to align the definitions contained within the by-law with current practice - be enacted.

2. That the Proper Officers do all things necessary to implement the intent of the foregoing.

IMPLICATIONS OF THE RECOMMENDATIONS

The recommended amendment to the Frontage Levy By-Law No. 7958/2002 will clarify the definition of “Frontage”. In doing so, the amended language in the By-Law will clarify the original intent of the By-Law, and will align with the actual administrative methodology used for calculating frontage levies on commercial and residential properties.

There are no financial implications associated with this amendment.

HISTORY

Subsection 432(1) of ***The City of Winnipeg Charter*** ("the Charter") provides Council the authority to adopt a by-law that imposes frontage taxes on real property that is determined to abut or front on a street or right-of-way, a back lane, or a water main or sewer main.

Subsection 432(2) of the Charter requires the establishment of a uniform rate to be applied throughout the city for each frontage tax imposed. Currently, the City has established by by-law, uniform frontage levies for properties fronting on water mains ($0.65) and sewer mains ($1.90), for a total of $2.55 per frontage foot for most properties in the City.

The uniform rate is applied against the calculation of the frontage feet attributable to each property serviced by a water main and/or a sewer main.

The way in which frontage feet is calculated for properties has remained unchanged since 1973 - some 36 years. In general, the current frontage levy is determined by the extent to which a property abuts directly on a street containing a main of the City's waterworks.

This calculation is applied to commercial and residential properties alike. Though for residential properties that abut two intersecting streets (i.e. corner lots), the frontage feet calculation applies only to the shorter of the two sides, whereas the frontage feet calculation for commercial properties will include all sides that abut on a street.

DISCUSSION:

The way in which the term "Frontage" is currently defined in the Frontage Levy By-Law No. 7958/2002 ("the By-Law") does not make clear the distinction used to calculate the frontage for commercial versus residential properties.

The recommended amendment will clarify the original intent of the By-Law, and will ensure the language in the By-Law is consistent with the way in which frontages are calculated for commercial and residential properties.

FINANCIAL IMPACT

Financial Impact Statement **Date:** December 9, 2009

Project Name:

FRONTAGE LEVY BY-LAW NO. 7958/2002 - HOUSEKEEPING AMENDMENT

COMMENTS:

There are no financial implications associated with the recommended housekeeping amendment to the Frontage Levy By-Law No. 7958/2002

original signed by
Radhika Abeysekera
Manager of Finance (Campus)

CONSULTATION

In preparing this Report there was consultation with:

Legal Services – Corporate Support Services (as to legal issues)

SUBMITTED BY

Department: Assessment and Taxation
Division: Support Services and Strategic Planning
Prepared by: Mel Chambers
Date: December 9, 2009
File No.

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend The Frontage Levy By-law.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. The definition "Frontage" in section 2 of The Frontage Levy By-law No. 7958/2002 is amended by:

(a) striking out "that" *and substituting* "any" *immediately prior to* "side or limit of a property"; and

(b) adding "residential" *immediately prior to* "property abuts on two intersecting streets".

DONE AND PASSED, this day of , 2010.

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Mayor

_____
City Clerk

Approved as to content:

_____
Director of Assessment and Taxation

Approved as to form:

_____
For City Solicitor/Manager of
Legal Services