

TOWN OF OLIVER
BYLAW 1319

A bylaw to authorize Property Tax and Utilities Pre-Authorized Payment Plan

- A. **WHEREAS** the Council of the Town of Oliver, may, pursuant to Section 235 of the Community Charter, allow for alternative municipal tax collection schemes; and;
- B. **WHEREAS** the bylaw may provide the terms for accepting and holding the money including interest and its rate and;
- C. **WHEREAS** the Council of the Town of Oliver deems it desirable to implement a property tax prepayment and utilities pre-authorized payment plan for convenience of taxpayers and utility customers of the Town of Oliver;

NOW, THEREFORE, the Council of the Town of Oliver, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. Definitions

- a) "Collector" means any person given authority by the Town of Oliver to collect monies for property taxes and utilities on behalf of the Town of Oliver.
- b) "Owner" means the duly registered owner as shown at the Land Title and Survey Authority of BC.
- c) "Prescribed Rate of Interest" is the quarterly interest rate as determined by the Lieutenant Governor in Council in accordance with Section 239(2) of the Community Charter.
- d) "Property Tax" means the total taxes assessed on the property, including amounts collected for the Town of Oliver on behalf of other levels of government.
- e) "Taxpayer or Utility Customer" is the registered owner of the property, who is responsible for payment of property taxes and utilities assessed for a property.
- f) "Utilities" means any Town of Oliver revenue earning work or utility without limitation, including the collection of sewer and the distribution of water.
- g) "Utility Due Date" is the date the utilities must be paid by each billing cycle in accordance with the Town of Oliver's Water and Sewer Rates Bylaws.

2. General Conditions

2.1 Taxpayers and utility customers of the Town of Oliver may enter into a Property Tax Prepayment and Utilities Pre-Authorized Payment Plan provided that there are no current outstanding balances.

- 2.2 A payment dishonored and returned for any reason will be charged back to the tax or utility account, together with applicable penalties and returned cheque charge that applies.
3. Prepayment Property Tax Plan
- 3.1 Council hereby establishes a monthly tax prepayment plan for taxpayers of the Town of Oliver.
- 3.2 Taxpayers of the Town of Oliver may apply to the Collector of the Town to pay taxes on an equal monthly installment basis over ten (10) installments.
- 3.3 The payment of property taxes on an equal monthly installment basis shall commence upon the written authorization on a prescribed application form as set forth in Schedule "A" attached hereto, and forming part of this bylaw. The application form authorizes the Town of Oliver to automatically deduct from the taxpayer's bank account, to the credit of the Town of Oliver of monthly payments equal to the monthly payment calculated pursuant to Section 3.2 of this Bylaw and the form shall be deposited with the Collector of the Town.
- 3.4 Monthly payments are based on an estimate only and are not a warranty or guarantee of the amount of taxes which may be levied.
- 3.5 Payments due under the monthly installment basis will be processed and collected on the 10th day of each calendar month commencing in August of the year preceding the tax due date and ending in May of the year in which the taxes become due.
- 3.6 On receipt of the said monies, the Collector is empowered and required to credit the account, or accounts, toward which such monies are paid, with the amount thereof together with the interest thereon paid by the Town of Oliver, commencing in September of each year, to the taxpayer's account, prior to the current month's installment payment being credited to the account. No interest shall be paid after May of any given year.
- 3.7 The Collector shall indicate on each annual tax bill to any participating taxpayer, the total of all payments received plus interest earned up to and including the May prepayment, and the tax notice shall show the amount required to pay the balance of the taxes due on the due date of that year. Any balance remaining unpaid after the due date in any year will be subject to penalty provisions of the Community Charter and Town tax rate bylaws.
- 3.8 Subject to provincial regulation, overpayment of taxes which are refunded to owners or agents will not be paid interest. Payments received outside the plan and/or overpayments will be applied as a credit to the next year's taxes and will accrue interest in accordance with section 3.6 of this bylaw with the payment date deemed to be August 10th.
- 3.9 Monthly tax prepayments are not refundable. If the subject property is sold, the Collector shall provide a tax certificate that will indicate the total payments collected to date, including interest earned pursuant to this bylaw. The Collector will determine if a refund is permitted under extraordinary circumstances.

- 3.10 A participating taxpayer may give notice in writing ten (10) business days prior to the installment date, to discontinue participation in the monthly installment plan. The Collector may cancel the participant's privilege of continuing in the monthly installment plan if two (2) consecutive installments fail to be honoured. Any installment which has failed to be honored will be subject to an administrative fee, and such fee shall be withdrawn from the taxpayer's tax account.
 - 3.11 Participating in the monthly installment system shall continue until terminated by either party in writing. The amount of deductions taken by the Town may vary in subsequent years. The amount will be set out in a statement mailed prior to August of each year to each participant showing the monthly payment for the next year.
 - 3.12 Provided that there are no taxes in arrears, the interest rate payable under this tax prepayment plan shall be at a rate equal to the prescribed rate of interest as determined by Section 239(2) of the Community Charter.
 - 3.13 In the event that there are taxes in arrears or delinquent chargeable on the property in question, the taxpayer will be precluded from participating in the monthly instalment tax prepayment plan until such arrears or delinquent taxes have been paid.
 - 3.14 The Northern and Rural Homeowner Grant must be claimed after receipt of the tax notice. Participating in the Tax Prepayment Plan is not a substitute for claiming the Northern and Rural Homeowner Grant.
 - 3.15 In the event that an unpaid utility account or charge against the property is added to the tax account as arrears, any tax prepayments in the account will be applied against these arrears. The Collector will cancel this pre-authorized payment plan in this event.
4. Utility Pre-Authorized Payment Plan
- 4.1 Council hereby establishes a pre-authorized payment plan for the Town of Oliver utility customers.
 - 4.2 Utility customers participating in the utility pre-authorized payment plan shall provide the Collector with the authority to deduct, from the utility customer's bank account the utility amount owing when the account becomes due and payable without penalty.
 - 4.3 Any dishonored and returned utility pre-authorized payments will be charged back to the utility account, together with applicable penalties and dishonored cheque fees, and may also result in, disconnection notices and/or withdrawal of services pursuant to the Town's utility bylaws.

- 4.4 Payment of utilities shall commence by written authorization on a prescribed application form as set forth in Schedule "A" attached hereto and forming part of this bylaw. The application form authorizes the Town of Oliver to automatically deduct from the utility customer's bank account, to the credit of the Town of Oliver.
- 4.5 Once established, the utility prepayment plan will continue on an ongoing basis unless the utility bill customer participating in this pre-authorized plan withdraws from the plan by giving ten (10) days written notice, or sells the property to which the utility payments pertain to, or if two (2) consecutive payments fail to be honoured.

5. Severability

If any section, subsection, or paragraph of this Bylaw is found invalid by a decision of a Court or competent jurisdiction, the invalid section, subsection, or paragraph shall be severed without effect on the remainder of the Bylaw.

6. Repeal

The Property Tax Pre-Payment Plan Authorization Bylaw 1188 and amendments thereto are hereby repealed.

7. Title

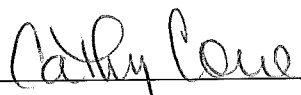
This bylaw is cited for all purposes as the "Property Tax and Utilities Pre-Authorized Payment Bylaw 1319".

Read a first, second, and third time on the 11th day of June, 2012.

Adopted on the 25th day of June, 2012.



Mayor



Corporate Officer

Property Tax and Utilities Pre-Authorized Payment
Schedule A - Bylaw 1319

Name(s) Telephone Number

Mailing Address

Civic Property Address Email Address

Please check if you would like to receive your billings by email.

FINANCIAL INSTITUTION INFORMATION:

(Blank cheque marked "VOID" to be returned with the completed form. If you do not have a chequing account, please have your bank complete this section)

Name of Bank or Financial Institution Branch Address

Branch # Institution # Bank Account #

I/We warrant and guarantee that the persons whose signatures are required to authorize withdrawals from the account have signed the Authorization below.

To debit my/our account indicated above according to our billing frequency for all utility payments payable to the TOWN OF OLIVER, and I/We the undersigned have read and agree to the terms and conditions of the Utility Pre-Authorized Payment Plan.

Utility Account Number

To debit my/our account in accordance with the terms and conditions of the Property Tax Pre-Authorized Payment Plan, to the TOWN OF OLIVER for pre-authorized monthly payments from August to May.

Property Tax Roll Number

Please indicate whether or not you are eligible for a Provincial Home Owner Grant on this property so that we may adjust your monthly tax prepayment amount accordingly.

770.00 Grant \$1045.00 Grant No Grant

I/WE HAVE READ AND UNDERSTAND THE TERMS OF THE TAX PREPAYMENT PLAN AND/OR THE UTILITIES PRE-AUTHORIZED PLAN.

Signature of Account Holder Signature of Account Holder