

Rural Municipality of Eastern Kings (RMEK), PEI
A Bylaw to Establish Tax Rate Groups
Bylaw # 2024-01

BE IT ENACTED by the Council of the Rural Municipality of Eastern Kings 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) of the *Municipal Government Act* 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 the Rural Municipality of Eastern Kings 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” means the administrative head of the Rural Municipality of Eastern Kings as appointed by Council.
- 4.3. “Council” means the Mayor and other members of the Council of the Rural Municipality of Eastern Kings.
- 4.4. “Councillor” means a member of Council other than the Mayor.
- 4.5. “Lien” means an encumbrance or charge on a property to secure the debt owed by the property owner to the Rural Municipality of Eastern Kings.

- 4.6. “Resident Person” means a person who resides in the province for 183 consecutive days or more each taxation year.
- 4.7. “Non-Resident Corporation” means a corporation wherein 50% or more of the voting shares of the corporation are not held by persons who qualify as residents pursuant to subsection 4.6 above.
- 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 Rural Municipality of Eastern Kings and may apply different tax rates to each group to reflect the differences in services provided.
- 5.2. Council will set tax rates within the municipality by resolution.
- 5.3. Council may set a different tax rate for a tax rate group established pursuant to this bylaw, in accordance with subsection 160.(2) of the Act, and further for the purposes of subsection 60.(1), a council shall by resolution, after estimating the probable revenue from all sources other than taxes, approve a tax rate or rates applicable to all real property within the jurisdiction and boundaries of the municipality for the purpose of raising revenue sufficient to defray projected municipal expenditures for that year including any deficit carried forward from the previous year, and shall notify the Provincial Tax Commissioner in accordance with the *Real Property Tax Act* respecting the approved tax rate or rates.

6. Establishing Group Rates

- 6.1. Tax rate groups established in this bylaw are identified in “Schedule A” of this bylaw.

7. Notification

- 7.1. 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.
- 7.2. 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.

- 7.3. 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.

8. Restrictions on Rate Setting

- 8.1. 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.
- 8.2. Council shall not approve a change to a tax rate to apply for a period of time less than a full calendar year.

9. Severability

- 9.1. If any provision in this bylaw is deemed to be invalid for any reason, then that provision shall be severed from this bylaw and all remaining provisions shall remain valid and in force.

10. Effective Date

- 10.1. This Tax Rate Group Bylaw, Bylaw# 2024-01, shall be effective on the date of approval and adoption below.

First Reading:

This Tax Rate Groups Bylaw, Bylaw# 2024-01, was read a first time at the Council meeting held on the 12th day of December, 2023.

This Tax Rate Groups Bylaw, Bylaw# 2024-01, was approved by a majority of Council members present at the Council meeting held on the 12th day of December, 2023.

Second Reading:

This Tax Rate Groups Bylaw, Bylaw# 2024-01, was read a second time at the Council meeting held on the 9th day of January, 2024.

This Tax Rate Groups Bylaw, Bylaw# 2024-01, was approved by a majority of Council members present at the Council meeting held on the 9th day of January, 2024.

Approval and Adoption by Council:

This Tax Rate Groups Bylaw, Bylaw# 2024-01, was adopted by a majority of Council members present at the Council meeting held on the 9th day of January, 2024.

11. Signatures

Mayor (signature sealed)

Chief Administrative Officer (signature sealed)

This Tax Rate Groups Bylaw # 2024-01 adopted by the Council of the Rural Municipality of Eastern Kings on the 9th day of January 2024 is certified to be a true copy.

Chief Administrative Officer Signature

Date

Schedule A

Schedule A may be amended pursuant to Section 135.(1) Resolutions Under Bylaws, a council may within a bylaw authorized or required under this or another Act authorize certain matters in the bylaw that the council may establish or alter by resolution.

Tax Rate Group Name	Description
<p>Non-Commercial</p> <p><i>*Farm and Residential taxes fall under "Non-Commercial"</i></p>	<p><i>Non-commercial property owned by a Resident Person / Corporation.</i></p> <p><i>Farm:</i> Identifies the farm value assessed to the property.</p> <p><i>Residential:</i> Identifies the residential value assessed to the property.</p>
<p>Non-Commercial: Non-Resident Person / Corporation</p>	<p><i>Property owned by a Non-Resident person or Corporation.</i> This means a person who does not reside in the province for 183 consecutive days or more each taxation year.</p>
<p>Commercial</p>	<p><i>Commercial</i> property: Identifies the commercial value assessed to the property.</p>
<p>Commercial: Wind Turbine(s)</p>	<p><i>Commercial Wind Turbines:</i> Means a wind energy conversion system including the rotor and associated control or conversion electronics to convert wind mechanical energy to electricity.</p> <p>Rate for wind turbines with a name plate capacity in excess of 100 kilowatts.</p>