

# MUNICIPALITY OF THE COUNTY OF KINGS



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## **BY-LAW # 45**

### **STREET LIGHTING BY-LAW**

1. This By-Law is enacted under the authority of an Act respecting street lighting charges in the Municipality of the County of Kings, Stats. N. S. 1976, ch. 62 and the words defined in Section I of the said statute shall have the same meaning in this By-Law.
2. This By-Law shall apply only to those areas of the Municipality described in Appendix "A".
3. (a) Every owner of a dwelling or of a commercial property, which dwelling or commercial property is within an area described in appendix "A" within which street lighting has been installed by or at the instance of the Municipality or responsibility for which has been assumed by the Municipality shall pay to the Municipality an annual flat rate street lighting charge.  
  
(b) The categories for which said street lighting charge may be levied and the amount of such charge shall be as set out in the Policy for Fees.
4. The street lighting charges shall form a lien and charge upon the whole of the property fronting on the street and in respect of which it is payable and shall have priority over every grant, deed, lease or other conveyance, and over every judgement, mortgage, or other lien or encumbrance whatsoever affecting the property or the title thereto.
5. The Council of the Municipality, or the Municipal Clerk or the Tax Collector of the Municipality shall notify the owner of a dwelling or of commercial property of the basis of the street lighting charges to him and the amount payable.
6. The street lighting charge, if not paid when due, shall become a lien on the whole of the property fronting on the street in the same manner and with the same effect as rates and taxes under the Assessment Act.
7. In the event that any property liable for street lighting charges be sold for non-payment of property taxes the Municipal Clerk may deduct from the proceeds of such sale the full amount for which such property is then liable for street lighting charges for the present and prior year.
8. For the year in which street lights are installed, Council shall, by resolution, determine the date upon which the lighting is operational so that the annual flat rate as described in section 3 of this by-law may be pro-rated so that only a portion of

the normal annual flat rate becomes payable during the year of installation to fairly reflect that portion of the year for which the service was available.

9. Street lighting charges shall be due as follows and payable within thirty (30) days thereof:
  - (a) For the year of installation, on the date when the invoice is sent out from the Finance Department of the County Offices;
  - (b) For succeeding years, on the date that general rates in that year are due.
10. Street Intersection Lighting
  - 10.1 In this section:
    - (a) "Voter" shall mean a person shown on the last list of electors who resides within the hamlet or unincorporated growth centre for which street intersection lighting is being considered;
    - (b) "Hamlet" shall unless otherwise herein provided mean a hamlet as defined or enumerated in the Land Use By-law;
    - (c) "Unincorporated Growth Area" shall mean a Growth Centre as defined or enumerated in the Land Use By-law other than a Growth Centre that is or is part of an incorporated village.
  - 10.2 Approval by a hamlet or unincorporated growth center for street intersection lighting shall be considered to have been given when:
    - (a) a petition from not less than five (5) voters resident within the hamlet or unincorporated growth center requesting approval of street intersection lighting has been presented to Council; and
    - (b) a public voters meeting has been held in the hamlet or unincorporated growth center and a majority of the voters entitled to vote have voted in favour of street intersection lighting and a charge being levied therefore.
  - 10.3 The features of the public voters meeting shall be the following:
    - (a) The meeting shall if reasonably possible be held in a public facility in the hamlet or unincorporated growth area.
    - (b) The meeting shall be preceded by the publication of not less than two notices of the meeting stating its time, place and purpose in a newspaper circulating in the area of the hamlet or unincorporated growth area, the first of such notices to be published not more than one month nor less than two weeks prior to the meeting, and the last

of such notices to be published not more than one week nor less than two days prior to the meeting.

- (c) The meeting will be addressed by a representative from the Municipality who will provide information to the meeting regarding:
  - (i) The boundaries of the hamlet or unincorporated growth area;
  - (ii) The extent of street intersection lighting proposed for the hamlet or unincorporated growth area;
  - (iii) The anticipated charge based on the estimated annual costs.
- (d) The Chairperson of the meeting shall be:
  - (i) The Councillor for the polling district which includes the hamlet or unincorporated growth area, or
  - (ii) A person appointed by such Councillor, or
  - (iii) Upon failure of the Councillor to so serve or so appoint, by election of the meeting.
- (e) The question to be put to the vote at the public meeting after the provision of information by the representative of the Municipality shall be:

"Moved that the voters of the Hamlet of \_\_\_\_\_ (or the unincorporated growth area of \_\_\_\_\_) are in favour of street intersection lighting within the hamlet (or unincorporated growth area) and request that a charge to assist in the financing of such improvements be levied by the Municipality on residential and commercial property in the hamlet (or unincorporated growth area)."
- (f) Although any resident of the hamlet or unincorporated growth area proposed to be served by the street intersection lighting shall be entitled to attend and speak at the meeting only voters shall be permitted to vote.
- (g) No voter shall be permitted to vote more than once.
- (h) The vote shall be conducted by ballot.
- (i) The Chairperson of the meeting shall appoint two scrutineers for purposes of examining and counting the ballots.

- 10.4 The charge to be levied for street intersection lighting carried out in hamlets and unincorporated growth area shall by resolution of Council be levied on all residential and commercial property, as defined in the Assessment Act, within the boundaries of the hamlet or unincorporated growth area.
- 10.5 The charge shall not be levied against resource property including farm property and forest property, the occupancy of commercial property, or commercial equipment.
- 10.6 The rate or charge levied under this By-Law:
  - (a) Is a lien on the whole of the property which is subject to the charge according to this By-Law and the lien has the same effect as a lien for rates and taxes under the Municipal Government Act; and
  - (b) Is collectible at the option of Council in the same manner and at the same time as are rates and taxes under the Municipal Government Act; and
  - (c) Shall be due and payable at the time at which taxes generally are due and payable to the Municipality of the County of Kings and shall bear interest after that date as hereinafter provided.
11. "Frontage" means the full length of any lot line which abuts a street.

SCHEDULE "A"1. Halls Harbour

All property at Halls Harbour upon which there is a dwelling or which is a commercial property all or any portion of which has frontage on a street, road or highway and within 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portions of:

1. The Kentville - Halls Harbour (or East Halls Harbour Road) highway.
2. The Highway going around the Harbour and leading to Huntington Point.
3. The cottage lot road going easterly or northeasterly from the Kentville - Halls Harbour highway.
4. The West Halls Harbour Road.
5. The Huntington Point Road.

2. South Berwick

All property at South Berwick upon which there is a dwelling or which is a commercial property all or any portion of which has frontage on a street, road or highway and within 100 feet of the extremities applicable portions of Highway No. 1 between the intersection of Orchard Street, Taylor Road and Highway No. 1 and the west road limit of Commercial Street (also known as the Morrystown Road). Bentley Road from civic address #195 to #458; Cleveland Road from civic address #770 to #1165 and Lawrence Road in its entirety.

3. Kingston - Auburn

All property at Kingston and Auburn upon which there is a dwelling or which is a commercial property all or any portion of which has frontage on a street, road or highway and within 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portions of:

1. Highway No. 1 between the eastern boundary of the Village of Kingston (Greenwood Base) and the western boundary of the Village of Aylesford (the eastern boundary of lands of Arthur Clark, Assessment No. I2/84).
2. Greenwood Road between the South Annapolis River and a point 2400 feet north of Highway No. 1.
3. Clairmont Road From Highway No. 1 northerly approximately 2000 feet to a point opposite the north sideline of Clairmont Park.
4. Pineo Street (the road leading into Green Acres Subdivision).
5. Brockville Street, Willow Street, Cedar Street, and Pineo Street all within Green Acres Subdivision.
6. Hall Road from Highway No. 1 to the point of intersection with the Dominion Atlantic Railway right-of-way.

7. The road or right-of-way at Auburn south of the Micmac Restaurant property which said road is parallel to and immediately south of the Dominion Atlantic Railway right-of-way.
  8. Morden Road from Highway No. 1 northerly approximately one mile to the southern boundary of lands of Roy Meister.
  9. The road or right-of-way at Auburn running easterly from the Morden Road approximately 1600 feet parallel to and immediately north of the D.A.R. right-of-way.
  10. Palmer Road between Highway No. 1 and the South Annapolis River.
  11. Dump Road (between Palmer Road and Hall Road) running westerly from Palmer Road approximately 4000 feet to the west sideline of lands of David MacDermitt.
  12. Roads in the West Subdivision at Auburn, three of which are parallel and run between Highway No. 1 and the D.A.R. right of way, and the other one of which is parallel to and immediately south of the D.A.R. right-of-way.
  13. Dahlgren Crescent.
4. Waterville - Cambridge

All property at Waterville and Cambridge upon which there is a dwelling or which is a commercial property all or any portion of which has frontage on a street, road or highway and within 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portions of:

1. Highway No. 1 from a point 600 feet westerly of the Rafuse Road easterly through Waterville and Cambridge to the west sideline of land of A. R. Forsythe.
2. Black Rock Road from its southern terminus to the bridge over the Cornwallis River.
3. Rafuse Road between Highway No. 1 and the Berwick - Waterville Highway.
4. Old Post Road between Highway No. 1 and the intersection of Black Rock Road and the Berwick - Waterville Highway.
5. Berwick - Waterville Highway from Black Rock Road to a point 1800 feet westerly of the intersection with Rafuse Road.
6. Mill Street between Highway No. 1 and the Black Rock Road.
7. Both loops of the Old Mill Road.
8. Horseshoe Road in its entirety.
9. County Home Road from Mill Street to the Bridge over the Cornwallis River.
10. Waterville Mountain Home from Highway No. 1 southerly approximately 800 feet to the first curve in the road.
11. Woodville or Cambridge Road between Highway No. 1 and Highway No. 101.
12. Cambridge Road (both forks) between Highway No. 1 and the Randolph Road.
13. Northview Drive.
14. Maple Drive from Highway #1 northerly 500 feet to the existing list of streets under the Waterville-Cambridge serviced area and Cambridge Woods Subdivision, including the following streets: Maple Drive starting at a point

500 feet north of Highway #1 to the intersection of Birchcrest Drive, Bentwood Crescent, Balsom Row and Birchcrest Drive.

15. Durno Drive.
16. Kinsman Avenue.
17. Kaizer Lane.

5. Morden

All property at Morden upon which there is a dwelling or which is a commercial property all or any portion of which has frontage on a street, road or highway and within 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portion of:

1. Morden Road from McNally Road to the French Cross Road.
2. Grove Street.
3. Lower Road.
4. Wharf Road.
5. French Cross Road from Lower Road to the east sideline of the cottage property of Arthur Saunders.

6. Aldershot - North Kentville

All property at Aldershot and North Kentville upon which there is a dwelling or which is a commercial property all or any portion of which has frontage on a street, road or highway and within 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portion of:

1. Brooklyn Street from the Town of Kentville boundary to a point 9/10 of a mile west of the intersection of Brooklyn Street and Sanford Road.
2. Keddy Road from Randall Road to Sanford Road.
3. Randall Road.
4. Sanford Road from Exhibition Street to Brooklyn Street.
5. McDow Road.
6. Spencer Road.
7. Tupper Road.
8. Exhibition Street from Town of Kentville boundary to Brook Street.
9. Woodworth Road from Town of Kentville boundary to Lamont Road.
10. Redden Avenue from Town of Kentville boundary to its terminus.
11. D'Aubin Lane.
12. Schofield Road from Aldershot Road to Lamont Road.
13. Lamont Road.
14. McKittrick Road from Aldershot Road to its western terminus.
15. Lanzy (or Lanzie) Road from lands of the Department of National Defence to Church Street.
16. Aldershot (or Halls Harbour) Road from Town of Kentville boundary to the right-of-way south of lands of Blanche Styche.
17. Campbell Road from Town of Kentville boundary to its intersection with Lanzy Road.

18. De'Ell Road.
19. Oakdene Avenue from Town of Kentville boundary to its intersection with Lanzy Road.
20. McKittrick Road (also known as Scott Drive) between Aldershot Road and Forest Street.
21. Nichols Road between Town of Kentville boundary and its intersection with Lanzy Road.
22. Owen Road.
23. Applecrest Drive.
24. Richard Avenue.
25. Morton Street between Richard Avenue and Charles Street.
26. Charles Street between Applecrest Drive and Mee Road.
27. Frank Street.
28. Stead Street.
29. Mee Road between Charles Street and Forest Street.
30. Elizabeth Drive.
31. Marie Court.
32. Rosedale Avenue.
33. Governor Court.
34. Gracie Drive
35. Sesame Street.
36. Marjorie Drive.
37. Fox Hill Avenue.
38. Watson Lane.
39. Upland Court.
40. Hunter Court.
41. Meadowland Court.
42. Hunter Street.
43. Eagle Creek Road.
44. Summerfield Court.

7. Greenwich

All property at Greenwich upon which there is a dwelling or which is a commercial property all or any portion of which has frontage on a street, road or highway and within 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portion of:

1. Highway No. 1 and lying between the west boundary of the Town of Wolfville and the east boundary of the Village of New Minas.
2. Greenwich Road (also known as the Greenwich Ridge Road).
3. Eden Row.
4. Gale Street.
5. Rawding Street.
6. Avon Lane.
7. Sunnyside Road.
7. Kimbrough Court.



8. Coldbrook

All property at Coldbrook upon which there is a dwelling or which is a commercial property all or any portion of which has frontage on a street, road or highway and within 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portion of:

1. Kenneth Avenue.
2. Cumberland Drive.
3. Joyce Street.
4. Ward Street.
5. Lovett Road from the south boundary line of civic address #2690 to the north boundary line of civic address #3030.
6. Birch Court.
7. Newcombe Boulevard.
8. Coldbrook Village Park Drive.
9. Opportunity Lane.

9. Hants Border

All property at Hants Border upon which there is a dwelling or which is a commercial property all or any portion of which has frontage on a street, road or highway and within 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portions of:

1. Avon Street.
2. Highway No. 1.

10. Village of Port Williams

All property within the Village of Port Williams upon which there is a dwelling or which is a commercial property all or any portion of which has frontage on a street, road or highway and within 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portions of:

1. Blomidon View Drive.
2. Dyke View Road.

11. Grafton

All property within the hamlet of Grafton upon which there is a dwelling or which is a commercial property all or any portion of which has frontage on a street, road or highway and within 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portions of:

1. Black Rock Road.
2. Brooklyn Street.

12. Highbury

All property within the hamlet of Highbury upon which there is a dwelling or which is a commercial property all or any portion of which has frontage on a street, road or highway and within 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portions of:

1. Highbury School Road.
2. Merritt Drive.
3. Sunset Drive.
4. LeMarchant Drive.

13. Centreville

All property within the Growth Centre of Centreville upon which there is a dwelling or which is a commercial property for intersection pedestrian lighting.

All property within the Growth Centre of Centreville upon which there is a dwelling or which is a commercial property all or any portion of which is within 500 feet of the centre line of a street, road or highway and within 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portions of:

1. Morse Lane
2. Neville Court

History of this By-law

Enacted - April 5, 1977

Amended -	February 22, 1978	June 6, 1995	February 4, 2003
	April 7, 1981	October 3, 1995	August 5, 2003
	May 4, 1982	December 5, 1995	June 1, 2004
	September 7, 1982	July 6, 1993	July 5, 2005
	April 5, 1983	April 2, 1996	May 2, 2006
	April 16, 1985	June 4, 1996	June 6, 2006
	April 15, 1986	June 3, 1997	April 3, 2007
	February 19, 1990	March 2, 1999	May 1, 2007
	April 12, 1990	July 6, 1999	August 9, 2012
	October 2, 1990	July 4, 2000	April 4, 2017
	May 15, 1991	June 4, 2001	
	August 6, 1991	December 4, 2001	
	May 19, 1992	January 8, 2002	
	March 2, 1993	March 5, 2002	
	May 18, 1993	May 7, 2002	
	May 31, 1994	July 2, 2002	