

MUNICIPALITY OF THE COUNTY OF KINGS

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BY-LAW # 50

STREET IMPROVEMENT BY-LAW

1. This By-Law shall be known as and may be cited as the "Street Improvement By-Law".
2. In this By-Law the following meanings are assigned to the following words:
 - (a) "Engineer" means the staff engineer of the Municipality or a consultant engineer engaged by the Municipality, or any other person engaged by the Municipality who, in the opinion of the Council, is competent to carry out the duties normally assigned to an engineer.
 - (b) "Frontage" means the full length of any lot line which abuts a street.
 - (c) "Improvement" includes any of the following activities laying out, opening, constructing, repairing, improving, and maintaining streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls.
 - (d) "Longest Frontage" means the frontage which has the greatest length, and in the case of the tie, the frontage which is involved in the tie and which has its abutting street improved first is to be designated as the longest frontage.
 - (e) "Owner" includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any real property fronting on a street, and also includes any trustee, executor, guardian, agent or other person having the care or control of such real property in case of the absence or disability of the person having title thereto.
 - (f) "Street" means any street, highway or travelled way or portion thereof within the Municipality.
3.
 - (1) Where an individual or individuals, representing ownership of two-thirds (2/3) of the frontage on any one street, file a petition with the Municipal Clerk requesting that the Municipality make an improvement to the said street, the Municipality may make such improvement and shall recover all or part of the cost of the improvement by levying a Special Tax upon all of the owners of frontage on the said street.
 - (2) Notwithstanding subsection (1), above, where one or more of the owners of frontage cannot be located after all reasonable efforts have been made, a petition signed by an individual or individuals representing ownership of

one-half (1/2) of the frontage on any one street will suffice for the purposes of this section.

- (3) Notwithstanding subsections (1) and (2), on an emergency basis for safety reasons, the Council may give approval to a project without approval from the owners of frontage.
 - (4) Owners of frontage who do not have entrances on access roads to subdivisions or the street being considered will only be charged 50% of their frontage for that street.
 - (5) Subdivision streets will only be paved if their access roads are paved as well.
 - (6) Property owners within the subdivision may request a petition that considers all properties within the subdivision for equal payment, regardless of lot size, street frontage and other provisions within this by-law. Municipal Council will only consider this petition if 66% of the properties within the subdivision are in favour.
 - (7) Notwithstanding subsection (1) above, only streets on which two thirds (2/3) of the total number of lots have residences constructed on them will be considered for paving.
4. Subject to the collecting of interest as provided for elsewhere in this By-Law, the amount recovered by the Municipality is not to exceed the cost of the improvements to the Municipality as certified by the Engineer and as approved by the Clerk.
 5. The Special Tax is to be calculated according to the following formula:

St = Special Tax
 TF = Total Frontage abutting subject street
 PF = Portion of total frontage owned by particular individual
 TC = Total cost of improvements

$$St = \frac{PF}{TF} \times TC$$
 6. The Special Tax levied under this By-Law:
 - (a) is a lien on the whole of the property which has a frontage on the improved street and the lien has the same effect as a lien for rates and taxes under the Assessment Act; and
 - (b) is collectible at the option of Council and in the same manner and at the same time as are rates and taxes under the Assessment Act; and

- (c) becomes effective when the Engineer files with the Clerk a certificate that the improvement has been completed; and
 - (d) shall remain in effect until the Special Tax, together with interest at the rate of 0.6667 percent per month, or portion thereof, on the entire amount from time to time outstanding has been paid.
7. Notwithstanding the other provisions of this By-Law, in a case where a lot has two (2) or more frontages, the longest frontage will be assessed at its full length when its Special Tax is calculated and the other frontage or frontages will be assessed at 50% of their respective full lengths when their respective frontages become subject to the Special Tax calculation.
8. (1) The Special Tax may, at the option of the owner of the property, be paid in equal annual instalments over a period of time, the number of instalments not to exceed ten and the period not to exceed ten years.
- (2) If the owner defaults in any one annual instalment the entire balance of the Special Tax then becomes due and owing.
- (3) The instalment option will not change the date upon which the entire sum becomes due for the purposes of calculating interest thereon pursuant to section 6 (d).
9. (1) This By-Law replaces By-Law 38 (Street Improvement By-Law) and By-Law 38 is hereby repealed.
- (2) Any Special Tax calculated under this By-Law in regard to a lot which was already assessed under By-Law 38 for a separate frontage, will be calculated so as to reflect, as nearly as possible, the spirit of this new By-Law.

History of this By-law

Enacted -

Amended - July 2, 2002
August 5, 2003