

MUNICIPALITY OF THE COUNTY OF KINGS



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BY-LAW # 97

CANAAN HEIGHTS STREET LIGHTING BY-LAW

A By-law providing for the recovery of costs to light the streets in Canaan Heights Subdivision in the community of Canaan, Municipality of the County of Kings.

PREAMBLE & ENACTMENT

WHEREAS street lights in Canaan Heights Subdivision are constructed as part of those streets in the Subdivision;

AND WHEREAS section 81 of the Municipal Government Act permits Council to make a by-law for imposing, fixing and providing methods of enforcing payment of charges for constructing, repairing, improving and maintaining streets and the street lights are an integral part of the streets;

BE IT ENACTED by the Council of the Municipality as follows:

PART 1 – GENERAL PROVISIONS

Title and Definitions

- (1) This By-Law may be cited as the "Canaan Heights Street Lighting By-Law".
- (2) In this By-Law:
 - a) "Canaan Heights Subdivision" means the public streets and lands contained within the subdivision commonly known as Canaan Heights Subdivision.
 - b) "Frontage" means the full length of any lot line which abuts a public street.
 - c) "Shortest Frontage" means the Frontage of a lot which has the shortest length, and is deemed to be no less than 80 feet.
 - d) "Costs" means:
 1. Power costs for lighting the lights; and
 2. All costs, including capital costs, for construction, repair and improvement of light standards, underground electrical conduit, and all related infrastructure.

- e) "Owner" as it refers to the owner of property includes:
- (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building fronting on a street within Canaan Heights Subdivision;
 - (ii) in the case of the absence or incapacity of the person having title to the land or building, a Trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and
 - (iii) in the absence of proof to the contrary, the person assessed for the property;
- f) "Total Frontage" means the total Frontage of all properties within Canaan Heights Subdivision, but only includes the Shortest Frontage for lots with Frontage on more than one public street.

PART 2 – STREET LIGHTING CHARGES

- (1) Each Owner shall pay a Street Lighting Charge, which Charge shall be calculated as follows:

$$\begin{aligned} \text{SLC} &= \text{Street Lighting Charge} \\ \text{TF} &= \text{Total Frontage} \\ \text{SF} &= \text{Frontage for Owner's property} \\ \text{C} &= \text{Costs} \\ \text{SLC} &= \frac{\text{SF}}{\text{TF}} \times \text{C} \end{aligned}$$

- (2) The Street Lighting Charge:

- a) Is a lien on the whole of the property which is subject to the Charge according to this By-Law which lien is effective when the Charge is due, 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 the Treasurer 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 at the same rate as what the Municipality charges for general taxes; and

- d) Shall accrue interest monthly, compounded monthly, and payable annually on any amount overdue (i.e. billed and unpaid) for 30 days, at a rate set by Council.
- (3) In the first year that this Bylaw is effective, the Street Lighting Charge shall be prorated from the date upon which the street lights are taken over by the Municipality to the end of the Municipality's fiscal year.

History of this By-law

Enacted - May 10, 2012

Amended - September 1, 2015