

# MUNICIPALITY OF THE COUNTY OF KINGS



**For By-Law information contact the Municipal Clerk**

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## BY-LAW #45

### STREET LIGHTING BY-LAW

#### SHORT TITLE

This By-law may be cited as the *Street Lighting By-Law* and shall apply to the Municipality of the County of Kings, except for the area designated under By-Law 97 Canaan Heights Street Lighting By-Law.

#### PREAMBLE & AUTHORITY

WHEREAS the Municipality has the authority under the *Municipal Government Act* to levy lienable Street Lighting Charges on Property within certain areas, with the intent to recoup the related costs of street lighting installed by, or at the direction of, the Municipality, or those lights for which the Municipality has assumed responsibility;

AND WHEREAS the Municipality desires to enact a by-law to provide for payment of streetlighting;

AND WHEREAS the Municipality desires to set out an application process by which new streetlights may be installed;

AND WHEREAS the application and approval processes set forth in this By-law cover the addition of new Street Light Charge Areas and the addition of new streetlights in existing Street Light Charge Areas;

BE IT ENACTED by the Municipal Council of the Municipality of the County of Kings, pursuant to the *Municipal Government Act* as follows:

#### DEFINITIONS

1. In this By-law:
  - a. "Growth Centre" means serviced areas with urban amenities such as central water, sidewalks, and recreation facilities. For greater certainty the Municipality contains twelve Growth Centres, namely: Greenwood, Kingston, Aylesford, Waterville, Cambridge, Coldbrook, North Kentville, Centreville, New Minas, Port Williams, Canning and Hants Border;
  - b. "Municipality" means the Municipality of the County of Kings;
  - c. "Municipal Council" means the elected Council of the Municipality of the County of Kings;

- d. "Municipal Engineer" means an employee of the Municipality appointed and having the authority under the *Municipal Government Act*;
- e. "Municipal Treasurer" means an employee of the Municipality appointed and having the authority under the *Municipal Government Act*;
- f. "Owner" refers to the owner of a property including:
  - 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;
  - 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;
- g. "Property" means buildings and structures erected or placed upon, in, over, under or affixed to land, including buildings and structures under construction or partially constructed;
- h. "Street Light Charge Areas" means those geographic areas described in Schedule A of this By-law.

### **STREET LIGHTING CHARGE**

2. Every owner of a property that is within a geographic area described in Schedule A shall pay an annual flat rate charge known as the Street Lighting Charge for the recovery of related costs of streetlights. Every owner of a Property that is within an area described in Schedule B shall pay an Intersection Street Light Charge.
3. The Street Lighting Charge for dwellings and commercial properties is in the Municipal Fees Policy FIN 05-003, s 4.3 and which is reviewed annually by Municipal Council.
4. The Street Lighting Charge, if not paid when due, shall become a lien on the property in the same manner and with the same effect as rates and taxes under the *Assessment Act*. Per the *Municipal Government Act*, such lien may also include recovery of any charges by way of tax sale.
5. Street Lighting Charges shall be based on the Municipality's fiscal year. Charges may be prorated according to the date of either the installation, acquisition, or assumption that is incurred part way through a fiscal year.
6. Street Lighting Charges shall be payable on the same due dates as Municipal property taxes.
7. The Street Lighting Charge and interest thereon is collectable in the same manner as taxes and, at the option of the Municipal Treasurer, shall be collected at the same time, and by the same proceedings, as taxes.

## APPLICATIONS AND APPROVALS

### Form of Application

8. The Municipal Engineer shall be responsible for establishing and maintaining the installation and location design for all new street light requests. The Municipal Engineer will consult, as needed be from time to time, with the Nova Scotia Department of Public Works, Nova Scotia Power, and the Municipality's Director of Land Use Planning.
9. An application for the installation of street lighting may be presented by any ratepayer resident (the Applicant) in an existing or proposed Street Light Charge Area to the Municipal Clerk.
10. Applicants shall file requests in Form A of this By-law. Upon receipt of a complete application, the Municipal Engineer will process the application as follows:

### Applications for New Street Light Charge Areas within Growth Centres

11. The Municipal Engineer will prepare a map of the proposed area including the approximate location of the new lights together with the projected cost per property. The Municipal Engineer will consult with the related property owners.
12. Notwithstanding provision 20 of this By-law, fifty plus one percent (51%) of the property owners that are to be charged the proposed levy must agree for the application to be submitted to Municipal Council for approval as an addition to Schedule A of this By-law.

### Applications for New Street Light Charge Areas outside of Growth Centres

13. The Municipal Engineer when processing these applications shall be mindful of the initiatives encouraged by the International Dark-Sky Association (IDA) related to energy savings and eco-tourism initiatives. Consideration will be given to the installation of downward facing lights to minimize skyward light pollution and to promote night time star and sky watching.
14. Notwithstanding provision 20 of this By-law, the filing and processing of applications shall follow the same process as set out in provisions 11 and 12 of this By-law.

### Approval of New Street Light Charge Areas

15. Municipal Council shall receive and consider recommendations for approval as filed by the Municipal Engineer.

Additions to Existing Street Light Charge Areas

- 16. Applications to extend streetlights or infill streetlights in a Street Light Charge Area will require the completion of Form A and may be presented by any ratepayer resident in the existing Street Light Charge Area to the Municipal Clerk.
- 17. Notwithstanding provision 20 of this By-law, in processing an application to extend or infill an existing Street Light Charge Area the Municipal Engineer shall consider other provisions of this By-law, existing and proposed sidewalk networks, and the rate implications on streetlight ratepayers. With respect to streetlight rate implications, the Municipal Engineer shall consult with the Municipal Treasurer.

Approval of the Addition of Street Lights to an Existing Street Light Charge Area

- 18. Approval in this instance shall rest with the Municipal Engineer.

Notification to Applicants

- 19. The decision to either approve or deny an application shall be communicated to the Applicant in writing and sent by ordinary mail to the address provided on the application form, no later than six months from the date that the complete application was received.

**SAFER COMMUNITIES**

- 20. In the interest of public safety, the Municipal Engineer may determine the need for additional street lighting installations from time to time. In these cases, the Municipal Engineer shall have the authority to authorize an installation(s).



**By-law #45: Street Lighting**

**FORM A: APPLICATION FOR STREET LIGHTING**

Application Date:		
CONTACT INFORMATION		
Name of Applicant:	First:	Last:
E-mail Address:		
Telephone Number:	Day Time:	Cell:
Address:		
Details:		
Location of Requested Street Light(s)		
Please attach:	Sketch of Area where lights are to be installed, including location of existing utility poles	
Indicate if this Application is for:	<input type="checkbox"/> New Street Light Area	<input type="checkbox"/> Existing Street Light Area

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Mail or Drop Off Completed Form to:  
Municipality of the County of Kings  
181 Coldbrook Village Park Drive  
Coldbrook, NS B4R 1B9  
Attention: Municipal Clerk

**SCHEDULE A – STREET LIGHT CHARGE AREAS**

The area within the Municipality serviced by street lighting, is comprised of several communities, as follows:

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. Highway 359
2. Cove Road
3. West Halls Harbour 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 of the area serviced by street lighting and without limiting the foregoing, the applicable portions of:

1. Highway Number 1 running easterly between the Taylor Road intersection and the Windermere Road intersection.
2. Bentley Road running northerly from civic number 195 to Civic number 458.
3. Cleveland Road running northerly from civic number 770 to the junction of Windermere Road.
4. Lawrence Road in its entirety.
5. Kathleen Court in its entirety as well as abutting properties on Highway 1.

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 1 from the Aylesford Village boundary in the East to the Kingston Village boundary in the West.
2. Highway 201 from Highway No. 1 to civic number 2648.
3. Taylor Road in its entirety.
4. Palmer Road from Highway 1 to civic number 982.
5. Dorey Road from Palmer Road to civic number 255.
6. Morden Road from Highway No. 1 northerly to civic number 311.
7. Crocker Road, Richie Lane, West Road and Palmer Road Extension in their entirety.
8. Bennett Road running easterly from the Morden Road to Crocker Road.
9. All roads in the Green Acres subdivision in their entirety, including Cedar, Willow, Brockville and Pineo Streets.
10. Clairmont Road from Highway No. 1 to Highway 101.
11. Greenwood Road from Highway 1 to civic number 1935.
12. Dahlgren Crescent in its entirety.

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 Number 1 from civic number 5250 in the West to civic number 6465 in the East.
2. Rafuse Road, Northview Drive, Park Street, Foster Street and Mill Street in their entirety.
3. Thompson Road from Highway Number 1 to civic number 869.
4. Black Rock Road from Highway Number 1 to civic number 1756.
5. Maple Street from Highway Number 1 to civic number 846.
6. Waterville Mountain Road from Highway Number 1 to civic number 1103.
7. County Home Road in its entirety.
8. Kaizer Lane in its entirety.
9. Riverside Lane in its entirety.
10. Cambridge Mountain Road from Highway Number 1 to the intersection of the Randolph Road.
11. Cambridge Road from Highway Number 1 to civic number 1131.
12. Cambridge Woods Subdivision including Maple Drive, Bentwood Crescent, Balsom Row in their entirety, and all of Birchcrest Drive with the exception of civic numbers 207 and 325.
13. Cambridge Village Subdivision including Durno Drive and Kinsman Avenue in their entirety as well as the properties on Hale Road, Peterson Street and Rand Street which abut Durno and Kinsman.

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 civic number 601.

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. Fox Hill subdivision including Watson Lane, Meadowland Court, Hunter Court, Hunter Street, Upland Court and Summerfield Court in their entirety. All of Fox

- Hill Avenue with the exception of civic numbers 141 and 145. All of Eagle Creek Road from Belcher Street to civic number 169.
2. Neva Mae Place in its entirety, and Mahone Place from civic number 2 through civic number 23.
  3. Mee Road, Applecrest Drive, Charles Street, Richard Street, Morton Street, Frank Street, Stead Street, Bezanson Court and Applecrest Extension in their entirety.
  4. Scott Drive, Gracie Drive, Rosedale Avenue, Marie Crescent, Marie Court, Campbell Road, Camhill Court, D'Ell Road, Oakdene Avenue, Sesame Street and Elizabeth Drive in their entirety.
  5. Penny Lane from civic number 959 through civic number 967.
  6. Governor Court from Scott Drive to Rosedale Avenue.
  7. Nichols Avenue from the junction of Campbell Road to the Town of Kentville.
  8. Aldershot Road from civic number 1249 to the Town of Kentville.
  9. Lanzy Road, McKittrick Road, Owen Road, Schofield Road, Lamont Road, Woodworth Road, Marjorie Drive, Exhibition Street, Sanford Road, Randall Road Spencer Road, Tupper Road and Keddy Road in their entirety.
  10. Brooklyn Street from the junction of Keddy Road to the Junction of Tupper Road.
  11. Brook Street from the junction of Exhibition Street to civic number 358.
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 Number 1 from civic number 9700, easterly to the Town of Wolfville.
  2. Deep Hollow Road from Highway Number 1 to the junction of Forsythe North Road.
  3. Forsythe North Road from the intersection of Deep Hollow Road to civic number 33.
  4. Kimbrough Court, Avon Lane, Greenwich Road, Blackberry Lane and Eden Row in their entirety.
  5. Highway 358 from civic number 28 through civic number 56.
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, Cumberland Drive, Joyce Street and Ward Street in their entirety.
  2. Lovett Road from civic number 2960 northerly to civic number 3030.
  3. Birch Court and civic numbers 2640 through 2651 on Poplar Drive.
  4. Newcombe Blvd.
  5. Coldbrook Village Park Drive.
  6. 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. Highway 1, from civic number 13974, easterly to the Kings/Hants County border.
  2. Avon Street, from the intersection of Highway 1 to the Kings/Hants County border.
  3. The property at 1521 Bluff Road.
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, from civic number 189 to civic number 346.
  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 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. Morse Lane
  2. Neville Court

**SCHEDULE B – INTERSECTION STREET LIGHT CHARGE AREAS**1. Centreville

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 a 100 feet of the extremities of the area serviced by street lighting and without limiting the foregoing, the applicable portions of:

1. Highways 358 and 221, Saxon Street and Sherman Belcher Road
2. Lone Pine, White Pine and Pine Cone Drives
3. Lady Slipper Drive, Lacey Drive, Lauren Drive and Hannah Avenue
4. Lydiard Road, Natalie Street, Parkside Drive, Monica Crescent and Parkview Drive
5. Saratoga Drive, Millwood Drive and Seneca Street
6. Butler Road, Murray Drive, Morse Lane and Neville Court
7. Mary Avenue, Kaizer Lane, Anthony Avenue and Andrew Drive

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	December 1, 2020
	August 6, 1991	December 4, 2001	July 26, 2022
	May 19, 1992	January 8, 2002	
	March 2, 1993	March 5, 2002	
	May 18, 1993	May 7, 2002	
	May 31, 1994	July 2, 2002	

By-law Amendments Since April 2017						
First Reading	Notice of Second Reading	Second Reading	Notice of Passing	Certified Copy to Minister	Approval/Acknowledgement by Minister	Date of Repeal
Nov. 3, 2020	Nov. 10, 2020	Dec. 1, 2020	Dec. 8, 2020	Dec. 8, 2020	January 13, 2021	
July 5, 2022	July 9, 2022	July 26, 2022	Aug. 2, 2022	Aug. 2, 2022		
April 4, 2023	April 11, 2023	May 2, 2023	May 16, 2023	May 16, 2023	June 1, 2023	
Jan. 9, 2024	Jan. 16, 2024	Feb. 6, 2024	Feb. 13, 2024	Feb. 13, 2024	June 25, 2024	