



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

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## **BY-LAW # 93**

### **PRIVATE ROAD MAINTENANCE & IMPROVEMENT CHARGE BY-LAW**

#### **1. Purpose**

Pursuant to this By-law, the Municipality of the County of Kings (Municipality) may enter into an Agreement with a Private Road Association to collect Charges for the maintenance, improvement, or Private Road Betterments.

In addition to ongoing maintenance, the Municipality encourages Private Road Associations to undertake asset management and capital planning activities (to address Private Road Betterments) as a means to ensure the ongoing serviceability of Private Roads.

#### **2. Definitions**

- 2.1 Administration Fee: a charge of 4% retained by the Municipality to offset the costs of billing, collection, and administration of a Private Road Maintenance and Improvement Charge as set out in an Agreement.
- 2.2 Agreement: a written Agreement pursuant to this By-law entered into in writing between the Municipality and a Private Road Association.
- 2.3 Applicant: a Private Road Association which submits an application to the Municipality for an Agreement.
- 2.4 Chief Administrative Officer: the Chief Administrative Officer as defined by the *Municipal Government Act* or their designate.
- 2.5 Fiscal Year: means the fiscal year of the Municipality which commences April 1 and concludes March 31 of the following calendar year.
- 2.6 Owner: an owner of land as defined by the *Municipal Government Act*.
- 2.7 Private Road: as defined by the Subdivision Regulations made pursuant to the *Municipal Government Act*, as amended from time to time, and as confirmed by a Development Officer of the Municipality.
- 2.8 Private Road Association (Association): a society registered pursuant to the *Societies Act* in good standing with the Nova Scotia Registrar of Joint Stocks.
- 2.9 Private Road Betterment: is a cost incurred to enhance the service potential of a Private Road. In general, service potential may be enhanced when there is an increase in the road's capacity to provide services, where associated operating costs are lowered, or the useful life of the road is extended.

2.10 Private Road Maintenance & Improvement Charge (Charge): a lienable charge, in accordance with the *Assessment Act* levied by the Municipality pursuant to an Agreement.

### **3. Authority**

This By-law is enabled by Section 81 *Municipal Government Act*.

### **4. Private Road Maintenance & Improvement Charges**

4.1 The Municipality will consider Applications from Associations for the levying of Charges.

4.2 Applications for an Agreement shall be submitted to the Chief Administrative Officer.

4.3 The Application shall:

4.3.1 be accompanied by a resolution of the Association that includes a description of the Charge formula and area to which the Charge is to apply with sufficient detail to allow for all necessary detail for the production and execution of an Agreement, including all items herein set out;

4.3.2 provide evidence of the Applicant's good standing with the Registrar of Joint Stocks;

4.3.3 include an operating (maintenance) budget, and may include capital or reserve budgets, and be accompanied by a resolution of the Association adopting the budget(s);

4.3.4 include the Applicant's approved financial statements for the preceding Fiscal Year;

4.3.5 detail the method of calculating the Charge, which may include different Charges determined by occupancy, or the presence or absence of a residence;

4.3.6 indicate the term of the Charge(s) to be levied against properties up to a maximum of five Fiscal Years; and

4.3.7 be submitted prior to May 1 of a Fiscal Year to which the Charge applies.

4.4 The Municipality may enter into an Agreement with the Applicant that shall remain in place until amended or terminated per terms of the Agreement.

### **5. Administration of Private Road Maintenance & Improvement Charges**

5.1 A provision shall be included in Agreements that require an Association to notify every property owner abutting the related Private Road of the Association's Annual General Meeting or any other meeting where the Association intends to seek approvals from its members to recommend a Charge for collection by the Municipality.

5.2 The Chief Administrative Officer shall levy the Charge on Owners as part of the Municipality's regular property tax billings.

5.3 All Charges under this By-law shall be due and payable from the date they are levied.

5.4 All Charges shall be due and payable per terms of Policy FIN-05-013: Interest Rate & Tax Due Date as amended from time to time.

5.5 The Charge and interest thereon is a first lien on the whole of the property subject to the Charge in the same manner and with the same effect as rates and taxes under *Assessment* and *Municipal Government Acts*.

**6. Responsibility of the Municipality**

6.1 The Municipality limits its involvement in Private Road maintenance and Improvements to the administration of the Charge as described in this By-law. The Municipality will not provide engineering advice or technical assistance for Private Road Maintenance or Improvements.

6.2 The Municipality bears no financial responsibility for any work undertaken or activities of an Association.

6.3 Upon written request, the Municipality shall make available to each Association a letter that details particulars of the Association's Agreement with the Municipality.

**7. Effect**

This By-law shall take effect commencing with the Municipality's 2023/24 Fiscal Year.

**SCHEDULE A**

Schedule of Charges

1. The Tupper Lake Road Maintenance Area is defined as all properties located on Tupper Lake Road, Lakeside Drive, Point Drive, Lake Drive, and Welton Court. The Municipality will:
  1. Transfer to the Tupper Lake Property Owners Association and charge to the area defined as Tupper Lake District the amount requested by the residents at a public meeting held on October 22, 2023.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 on each dwelling unit as follows:
    1. Seasonal residents \$615.00
    2. Permanent residents \$820.00
  
2. That the Murphy Lake Road Maintenance Area is defined as all properties containing a residence that are abutting on, and accessed by, Murphy Lake Road. The Municipality will:
  1. Transfer to the Murphy Lake Road Property Owners Association and charge to the area defined as Murphy Lake Road District, an amount requested by the residents at a public meeting held on April 30, 2024.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 on each dwelling unit as follows:
    1. Seasonal residents \$350.00
    2. Permanent residents \$495.00
  
3. The Aylescott Village Road Maintenance Area is defined as all properties located at Aylesford Lake on Yacht Club Road, Maple Drive, Sunrise Trail, Village Road, Loon Lane, Hilltop Lane, Aspen Drive, and properties identified as AANs 04114132, 02402637, and 00297232. The Municipality will:
  1. Transfer to the Aylescott Village Lot Owners Association and charge to the area defined as Aylescott Village Lot Owners District the amount requested by the residents at a public meeting held on August 15, 2023.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. All properties \$250.00. In the event that an owner has multiple lots, they are not to be charged for extra, undeveloped lots.
  
4. The North Lake Paul Road Maintenance Area is defined as all properties on North Lake Paul Road, Serenity Lane, and Raven Crest Road as PID 55526370 to PID 55126692. The Municipality will:
  1. Transfer to the North Lake Paul Road Lot Owners Association and charge to the area defined as North Lake Paul Road District the amount requested by the residents at a public meeting held on April 30, 2024.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. \$225.00 per property

5. The Armstrong Lake Road Maintenance Area is defined as being lots numbered 2 through 68 situated on Lakecrest Drive and Birch Point Road in Armstrong Village at Armstrong Lake, plus five additional properties whose boundaries border on or in Armstrong Lake and whose owners use the common right of way connecting Lakecrest Drive to the public road known as Lakeview Road. The Municipality will:
  1. Transfer to the Armstrong Lake Road Owners Association and charge to the area defined as Armstrong Lake District the amount requested by the residents at a public meeting held on September 30, 2023
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. Improved Lot \$254.00
    2. Unimproved Lot \$85.00
  
6. The Gooseneck Road Maintenance Area is defined as being the private portions of Black River Road beginning after Civic #965, and Oak Hill Road at Black River Lake. The Municipality will:
  1. Transfer to the Gooseneck Road Association and charge to the area defined as the private portion of Black River Road, Cove Road, and Oak Hill Road at Black River Lake the amount requested by the residents at a public meeting held on March 9, 2024.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. \$695.00 per Lot
  
7. The West Lake Torment Property Owners Association Area is defined as being all properties on Lakeside Drive, Torment Spur, Hillcrest Road, and Forest Drive excluding AANs 06115691 and 06115284. The Municipality will:
  1. Transfer to the West Lake Torment Property Owners Association and charge to the area defined as West Lake Torment District the amount requested by the residents at a public meeting held on May 28, 2023.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. Developed Lots \$200.00
    2. Undeveloped Lots \$125.00
  
8. The Nature Haven Road Association is defined as being properties on Natures Haven Road beginning with AANs 04691679 and 10907039 and extending to AANs 10916097 and 04691776 located on Nature Haven Road. The Municipality will:
  1. Transfer to the Nature Haven Road Association and charge to the area defined as Nature Haven Road Association District the amount requested by the residents at a public meeting held on February 23, 2024.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. Residential \$600.00
    2. Seasonal \$400.00
    3. Vacant Lot \$75.00

9. The Loon Lake Drive Property Owners Association is defined as all properties on Loon Lake Drive with no exceptions. The Municipality will:
  1. Transfer to the Loon Lake Drive Property Owners Association and charge to the area defined as Loon Lake Drive District the amount requested by the residents at a public meeting held on April 14, 2024.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. \$550.00 per property
  
10. The Sunrise Ridge Property Owners Association is defined as all properties on Sunrise Ridge, Spruce Drive, and Birch Lane in the Sunrise Ridge Development excluding AANs 09811346, 09113338, 09811311, 09811354, 09811362; all properties on Dodge Island which have a right of way over Sunrise Ridge and Spruce Drive; all properties on Blue Lane (including unnamed extension) which have a right of way over Sunrise Ridge and Spruce Drive to the entrance of Blue Lane, The Municipality will:
  1. Transfer to the Sunrise Ridge Property Owners Association and charge to the area defined as Sunrise Ridge District the amount requested by the residents at a public meeting held on July 15, 2023.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. Developed Lot \$375.00
    2. Developed with 2 Dwellings \$750.00
    3. Vacant Lot \$125.00
    4. Dodge Island Lots \$125.00
    5. Lots on New Road (as yet unnamed) \$125.00
  
11. The South Side Mack Lake Property Owners Association is defined as all properties on Stoddart Drive to Easy Street, Easy Street, Stoddart Lane and Pine Point Road. The lot numbers being, 3 – 7, 9 -27, 36, 37, 40 and 121. The Municipality will:
  1. Transfer to the South Side Mack Lake Property Owners Association and charge to the area defined as South Side Mack Lake District the amount requested by the residents at a public meeting held on April 13, 2024.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. Lot \$250.00
    2. \$60.00 per undeveloped/vacant secondary lot where a lot owner owns more than one lot.
  
12. The Rivers End Park Association is defined as being properties on River Lane, Crescent Point Road, and Lake End Road with the exception of AANs 02026287, 10962099, and 10962080. The Municipality will:
  1. Transfer to the Rivers End Park Association and charge to the area defined as Rivers End Park Association District the amount requested by the residents at a public meeting held on August 5, 2023.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. Developed Lots \$220.00
    2. Undeveloped Lots \$110.00

13. The Lake Torment East Lot Owners Association is defined as being properties in the geographic area of Lake Torment East. Specifically, Falkenham Road, Island Branch Road, Birch Grove Drive, Birchgrove Park, Birchgrove Lane, Grove Lane, Cove Road and all deeded lake access roads. The Municipality will:
  1. Transfer to the Lake Torment East Property Owners Association and charge to the area defined as Lake Torment East Lot Owners Association District the amount requested by the residents at a public meeting held on August 19, 2023.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. All Lots \$345.00
  
14. The First In Road Maintenance Area is defined as being all properties located on Cove Lane and all properties located on Black River Road between and including civic numbers 965 and 1101. The Municipality will:
  1. Transfer to the First In Road Association and charge to the area defined as First In Road Association Area, the amount requested by the residents at a public meeting held on August 26, 2023.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. All Lots \$150.00
  
15. The Meadow Lane Road Association is defined as all properties accessed by Meadow Lane. The Municipality will:
  1. Transfer to the Meadow Lane Road Association and charge to the area defined as Meadow Lane Road Association the amount requested by the residents at a public meeting held on August 11, 2023.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025, as follows:
    1. \$200.00 per property with a dwelling or a dwelling under construction
  
16. The Otter Lake Property Owners Association (OLPOA) area is defined as being all properties on Otter Lake Lane, Beaver Crescent, Beaver Pond Drive and White Tail Lane. The Municipality will:
  1. Transfer to the Otter Lake Property Owners Association and charge to the area defined as Otter Lake Owners District the amount requested by the residents at the annual general meeting held July 15, 2023.
  2. Approve the levying of a uniform charge for the year ended March 31, 2025 as follows:
    1. \$125.00 per owners first lot
    2. \$63.00 per owners' subsequent lot(s)

History of this By-law:

- |         |                    |             |                   |
|---------|--------------------|-------------|-------------------|
| Enacted | - February 4, 2009 |             |                   |
| Amended | - August 3, 2010   | - July 2016 | - July 26, 2022   |
|         | - August 2, 2011   | - July 2017 | - August 15, 2023 |
|         | - July 3, 2012     | - July 2018 | - July 16, 2024   |

- July 30, 2013
- July 31, 2019
- July 2014
- July 7, 2020
- July 2015
- July 6, 2021

<b>By-law Amendments Since July 2020</b>					
First Reading	Notice of Second Reading	Second Reading	Notice of Passing	Certified Copy to Minister	Approval/ Acknowledgement by Minister
June 15, 2021	June 19, 2021	July 6, 2021	July 13, 2021	July 13, 2021	July 23, 2021
July 5, 2022	July 9, 2022	July 26, 2022	Aug. 2, 2022	Aug. 2, 2022	Aug 23, 2022
June 6, 2023	June 29, 2023	August 15, 2023	September 5, 2023	September 6, 2023	September 21, 2023
June 18, 2024	June 25, 2024	July 16, 2024	July 30, 2024	July 30, 2024	