



MUNICIPALITY OF EAST HANTS BYLAW NUMBER F-100-7, an Amendment to BYLAW F-100 LOCAL IMPROVEMENT CHARGES BYLAW

WHEREAS Section 81 of the Municipal Government Act provides that a Municipality may make bylaws imposing, fixing and providing methods of enforcing payment for charges of local improvements;

BE IT ENACTED by the Council of the Municipality of East Hants, as follows:

1. SHORT TITLE

- 1.1. This Bylaw shall be known as Bylaw F-100 and may be cited as the “Local Improvement Charges Bylaw”.

2. PURPOSE

- 2.1. The purpose of this Bylaw is to establish the manner in which the Municipality shall impose, fix and enforce payment of charges for local improvements.

3. DEFINITIONS

- 3.1. “corner lot” means a property situated at the intersection of, and abutting on, two or more streets;
- 3.2. “charge” means a charge imposed pursuant to Section 81 of the Municipal Government Act in an amount to be determined pursuant to this Bylaw for the cost of a local improvement;
- 3.3. “cost of a local improvement” means the capital cost of service provision and shall include but is not limited to the costs of study, design, construction, installation and administration, engineering, surveying, municipal staff time, and other incidental expenses as well as the costs of financing including bridge financing, if any, and the cost of financing throughout the amortization period of the project whether or not the money is financed internally or externally. The cost of any particular local improvement may be reduced by its proportionate share of financial contribution from federal, provincial or municipal grant dollars;
- 3.4. “Council” means the Council of the Municipality of the District of East Hants;
- 3.5. “Engineer” means the Municipal employee designated as Municipal Engineer pursuant to the provisions of the *Municipal Government Act*;





- 3.6. “frontage” means the linear measurement of the property line which abuts a local improvement, irrespective of whether the property line is a front, rear, side or flankage yard;
- 3.7. “local improvement” means and includes:
 - 3.7.1. wastewater facilities or stormwater systems, the use of wastewater facilities or stormwater systems and connecting to wastewater facilities or stormwater systems;
 - 3.7.2. expenditures incurred for the wastewater management system in a wastewater district;
 - 3.7.3. the Municipal portion of the capital cost of installing a water system;
 - 3.7.4. the laying out, opening, constructing, repairing, improving, and maintaining streets, curbs, sidewalks, gutters, bridges, culverts, and retaining walls, whether the cost is incurred by the Municipality directly or by, pursuant to an agreement with Her Majesty in right of the Province, the Minister of Transportation and Infrastructure Renewal or any person appointed to act in his/her stead;
 - 3.7.5. the Municipal portion of the cost of a major tree removal program or the cost of removing trees from a private property;
 - 3.7.6. the Municipal portion of the capital cost of placing the wiring and other parts of an electrical distribution system underground;
 - 3.7.7. charges for deposit in a special purpose tax account to provide for future expenditures for wastewater facilities, stormwater systems, water systems, transportation facilities or other anticipated capital requirement.
- 3.8. “majority approval for a local improvement” means majority approval based on the signatures from owners representing at least two-thirds of all properties in the area that Council has determined to benefit from a local improvement and at least two-thirds of the methodology chosen.
- 3.9. “Municipality” means the Municipality of the District of East Hants;
- 3.10. “owner” has the same meaning as set out in the *Municipal Government Act*, except where the context requires otherwise;





- 3.11. “property” means a parcel or lot of property which is in an area determined by Council to benefit from a local improvement;
- 3.12. “subdividable lot” means, for the purpose of this Bylaw, a property which is capable of being subdivided into at least two buildable lots if, taking into consideration the lot frontage, lot area, zoning and the location of existing buildings, the Municipality would approve the subdivision of the property into at least two lots;
- 3.13. “street” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts, and retaining walls in connection therewith located within the Municipality whether vested in the Municipality or the Province of Nova Scotia;
- 3.14. “through lot” means a property bounded on two opposite sides by two or more streets;
- 3.15. “usable frontage” means property frontage that has not been determined to be unusable under Section 7.2;

4. CHARGE IMPOSED

- 4.1.
 - 4.1.1. Where a local improvement has been carried out by the Municipality in an area identified in Schedule “A” as amended from time to time, a charge is hereby levied upon every owner of real property situated in whole or in part within the identified area except to the extent that any property or the owner thereof is totally or partially exempt from the charge by provisions in this Bylaw or the provisions of Schedule “A” ; or
 - 4.1.2. Where a local improvement has been carried out as a result of a petition receiving majority approval and the project having been adopted and approved by Council, a charge is hereby levied upon every owner of real property situated in whole or in part within the area identified in the petition except to the extent that any property or owner thereof is totally or partially exempt from the charge by provisions in the petition or in this Bylaw;
- 4.2. Municipally, Provincially and Federally owned land shall be exempt from charges arising from the provisions of this Bylaw unless otherwise indicated in the approved petition or Schedule “A”.
- 4.3. An interim charge may be imposed when Council approves the project to proceed based on the best estimate of the cost of the project at that time. The interim charge will be adjusted at the completion of the project.





5. AMOUNT OF CHARGE

- 5.1. The charge levied pursuant to Section 4 shall be determined in accordance with the provisions of this Bylaw and, if applicable, of the approved petition or Schedule “A” and may be calculated based on:
- 5.1.1. a uniform amount for each property in existence or subsequently created by subdivision;
 - 5.1.2. the frontage of the property on any street;
 - 5.1.3. the use of the property;
 - 5.1.4. the area of the property;
 - 5.1.5. the assessed value of the property;
 - 5.1.6. any combination of two or more such methods of calculating the charge; or
 - 5.1.7. such other method as Council deems fit.

6. VARIATIONS IN CHARGES

- 6.1. The charge levied pursuant to this Bylaw may be fixed at different rates for different classes or uses of properties and may be fixed at different rates for different areas or zones as outlined in the approved petition and/or as outlined in Schedule “A”.

7. FRONTAGE CHARGE

- 7.1. If the charge contains a component calculated in whole or in part based upon the frontage of the property on a street, the component of the charge which is based upon frontage shall be calculated in accordance with this Section unless otherwise outlined in the approved petition, if applicable, or in Schedule “A”.

FC = Frontage Charge

TF = Total of all individual frontages (IF) determined as per the provisions of this Bylaw

IF = Total frontage of an individual property (as possibly adjusted by any frontage reductions or frontage adjustments as per the provisions of this Bylaw

TC = Total cost of the local improvement

GC = Municipal/Provincial/Federal contribution towards the local improvement

$FC = [IF/TF] \times [TC - GC]$





- 7.2. Subdivisions plans, deed descriptions, retracement plans and/or geographical information as deemed appropriate by the Municipality shall be used to determine the total frontage of an individual property
- 7.3. In the event of a dispute between a property owner and the Municipality as to any measurements of a property, the owner shall retain, at his or her sole expense, a Licensed Nova Scotia Land Surveyor, who shall certify the measurements of the property and submit the same to the Municipality.

Frontage Reduction

- 7.4. Where an owner can reasonably demonstrate, and provide evidence such as an environmental study or written confirmation from the Nova Scotia Department of Environment, that the property is unusable for development by reason of soil type, environmental hazard, or other natural factors that do not permit the land to be subdivided for the purpose of creating a lot, a frontage reduction of 75 percent shall be applied to the portion of unusable frontage. This proof must be provided prior to the inclusion of the local improvement into Schedule "A", if applicable, or approval of a petition by Council.

Frontage Adjustments

- 7.5. A minimum frontage may be established for each local improvement.
- 7.6. For lots, other than corner and through lots, which cannot be subdivided, the total frontage will be reduced to 150 feet.
- 7.7. For corner lots and through lots, where both streets adjacent to the property are subject to a local improvement, the total frontage will be adjusted as follows:
 - 7.6.1. For the longest frontage, the frontage will not be subject to any adjustment and will be charged 100 percent of the frontage;
 - 7.6.2. For the shortest frontage, the frontage will be reduced by 50 percent;
- 7.8. For corner lots and through lots, where one of the two streets is subject to a local improvement and the other street has previously been the subject of a local improvement, the property will only be charged for the portion of the frontage subject to the local improvement and the frontage will be reduced by 50 percent.
- 7.9. For corner lots or through lots, where one of the two streets is subject to a local improvement and the other streets has not been the subject of a local improvement, the property will only be charged for the portion of the frontage subject to the local improvement and there shall not be any adjustments to the total frontage.





8. EXEMPTIONS/ADJUSTMENTS TO CHARGES

- 8.1. A property may be exempt from or given an adjustment to a charge if the property is considered to not benefit from the local improvement. An adjustment or exemption may be given when:
 - 8.1.1. a property is already serviced, or
 - 8.1.2. a property does not directly benefit from a local improvement and it cannot be reasonably argued that the local improvement provides an indirect benefit to the property, such as the ability to further subdivide and develop the property.
- 8.2. If frontage is the method of charge, the property may also be subject to any adjustment or reductions available in Section 7.
- 8.3. For greater clarity, a corner lot will be deemed to benefit from a local improvement on all streets that the property has frontage.
- 8.4. An additional exemption or adjustment may be given to a corner lot because of the size, configuration, topography or ground conditions of the property.
- 8.5. Properties given an exemption or adjustment to the charge under this Section will be identified in Schedule “A” or, if applicable, within the approved petition.

9. ADMINISTRATIVE GUIDELINES

- 9.1. Council may proceed with a local improvement at its own discretion or in response to a petition which receives majority approval.
- 9.2. Where a petition has been conducted and does not receive majority approval, Council will not proceed with a local improvement, at its own discretion, for a minimum of three years. Property owners are not prevented from requesting subsequent petitions within the three years timeframe.

Initiating a petition

- 9.3. The petition process may be initiated by:
 - 9.3.1. a request from the owners of at least two properties that would be subject to the petition, or
 - 9.3.2. a motion from Council directing Municipal staff to initiate the petition process.





- 9.4. The petition request from property owners and the motion from Council must include: a description of the proposed local improvement, the desired method of charge, and the proposed charge area.
- 9.5. At Council's discretion, a petition may include properties fronting onto more than one street, whether those streets are contiguous or not;

Processing a Petition

- 9.6. The following steps shall be followed:
 - 9.6.1. The petition will be conducted by Municipal staff and they will be responsible for preparing the petition documents and package.
 - 9.6.2. The petition documents will include: a description of the local improvement and the method of charge, a map of the proposed charge area, the estimated total cost of the local improvement, the estimated cost for each property and the financing options.
 - 9.6.3. The petition documents will also include a letter explaining the local improvement process and will give each property owners an opportunity to vote YES or NO for the local improvement.
 - 9.6.4. The petition package and documents with a stamped return envelope will be sent by mail to the owners representing each property.
 - 9.6.5. The petition shall give owners at least 30 days to respond.

Approval of the Petition

- 9.7. Where Council considers carrying out a local improvement on the basis of a petition, such charges would be considered only where there is at least majority approval for the local improvement.
 - 9.7.1. The properties representing at least 2/3 of the methodology used for the charge must be in favour of the petition. For example,
 - 9.7.1.1. if the charge is based on the area of the property, the properties representing at least 2/3 of the area would have to vote in favour.
 - 9.7.1.2. if the charge is based on the assessed value of the property, the properties representing at least 2/3 of the assessed value would have to vote in favour.





- 9.7.2. Regardless of the methodology used for the charge, the owners representing at least 2/3 of the total properties must be in favour for a petition.
- 9.8. Successful petitions are considered to be valid for a period of 5 years from the date of approval by Council. Within that time frame, the validity of the petition is not affected by the number of times any property may have changed owners.
- 9.9. In the event that the information relied upon by Council or staff to assess whether a petition has received majority approval later proves to be wrong, the decision based upon such information shall be as valid as if the information were correct.
- 9.10. If the Municipality does not receive a response from the owners by the petition deadline, the owners will be deemed to have voted NO and not being in favour of the local improvement.
- 9.11. In circumstances, there is more than one owner of a property, the property will be considered to be in favour of the local improvement when the majority (50 percent) of the owners has voted "YES" for the local improvement.

Local improvement without a petition

- 9.12. Where a local improvement is approved by Council without a petition, Council shall, by policy, determine a suitable method for advising residents affected by the decision taken under this Bylaw.

Municipal contribution to local improvement

- 9.13. For local improvements on streets owned by the Municipality, at its own discretion, Council may choose to make a financial contribution up to a maximum of ten (10) percent towards the cost of the local improvement.

10. LIEN

- 10.1. A charge imposed pursuant to this Bylaw constitutes a first lien on the subject real property in the same manner and with the same effect as rates and taxes under the *Municipal Government Act* (Section 81(3)(f)).
- 10.2. A charge imposed pursuant to this Bylaw is collectable in the same manner as rates and taxes and, at the option of the Treasurer, collectable at the same time and by the same proceedings, as rates and taxes.
- 10.3. The liens against the real property become effective on the earliest of the date on which the interim charge is imposed or the Engineer files with the Treasurer a certificate that the improvement has been completed.





- 10.4. The lien provided for in this Bylaw shall remain in effect until the charge plus interest has been paid in full.
- 10.5. Where a property subject to a lien is subdivided, the unpaid amount of the charge plus interest shall be apportioned among the new lots according to the assessed value that the new lots have in relation to the total assessed value of the entire property before subdivision.

11. INTEREST

- 11.1. Interest shall accrue on charges outstanding from the due date forward, at the same rate as for other outstanding taxes. The due date is the date of completion or the date that installments are due if the annual payment option is available.

12. REPAYMENT OF THE CHARGE

- 12.1. At the option of the owner(s) of a property which is subject to a charge, the charge may be paid in either of the following ways:
 - 12.1.1. by payment, in full, at the time of invoicing by the Municipality; or
 - 12.1.2. by annual installments. In the event of default of payment of an installment, the whole balance shall become due and payable without notice or demand.
- 12.2. The term of repayment shall be outlined either in Schedule “A”, or in the wording of the approved petition, or in the Council motion approving the project. Annual installments shall not exceed 25 years.
- 12.3. The property owner(s) shall have one month from the date of their initial notice of amounts owing, to notify the Treasurer, in writing, which financing option has been selected. If there is no written notification, the property owner(s) shall be deemed to have selected the annual payment option.

13. AMENDMENT TO THE BYLAW

Any amendment to this Bylaw shall not affect existing projects outlined in Schedule A unless expressly intended to do so through an amendment to the Schedule.





14. REPEAL AND REPLACE

The previous version, and all other versions of the Local Improvement Charges Bylaw, are repealed and replaced by this version.

I, Kim Ramsay, Municipal Clerk of the Municipality of East Hants, hereby certify that the above noted Bylaw was passed at a meeting of the East Hants Municipal Council on

Kim Ramsay, CPA, CMA,
CAO/Municipal Clerk





Bylaw Adoption (139B)		Amendment 139B-6	
First Reading	November 19, 2002	First Reading	February 5, 2009
Notice Publication	November 27, 2002	Notice Publication	June 10, 2009
Second Reading & Enactment	December 17, 2002	Second Reading & Enactment	June 24, 2009
Final Publication	January 8, 2003	Final Publication	July 1, 2009
Amendment 139B-1		Amendment 164	
First Reading	March 18, 2003	First Reading	February 23, 2011
Notice Publication	March 26, 2003	Notice Publication	March 9, 2011
Second Reading & Enactment	May 20, 2003	Second Reading & Enactment	March 23, 2011
Final Publication	May 28, 2003	Final Publication	March 30, 2011
Amendment 139B-2		Amendment F-100	
First Reading	August 19, 2003	First Reading	July 25, 2012
Notice Publication	August 27, 2003	Notice Publication	August 1, 2012
Second Reading & Enactment	September 16, 2003	Second Reading & Enactment	September 26, 2012
Final Publication	September 24, 2003	Final Publication	October 3, 2012
Amendment 139B-3		Amendment F-100-1	
First Reading	June 30, 2004	First Reading	December 19, 2012
Notice Publication	October 11, 2004	Notice Publication	Jan 9, 2013
Second Reading & Enactment	October 25, 2004	Second Reading & Enactment	January 23, 2013
Final Publication	November 3, 2004	Final Publication	January 30, 2013
Amendment 139B-4		Amendment F-100-2 (Re-named F-100)	
First Reading	April 24, 2008	First Reading	February 26, 2014
Notice Publication	May 7, 2008	Notice Publication	March 12, 2014
Second Reading & Enactment	May 20, 2008	Second Reading & Enactment	April 23, 2014
Final Publication	May 27, 2008	Final Publication	May 14, 2014
Amendment 139B-5		Amendment F-100-3 (F-100)	
First Reading	August 28, 2008	First Reading	May 27, 2015
Notice Publication	September 3, 2008	Notice Publication	June 10, 2015
Second Reading & Enactment	September 25, 2008	Second Reading & Enactment	June 24, 2015
Final Publication	October 1, 2008	Final Publication	July 8, 2015





Bylaw Adoption - Amendment F-100-4 (F-100)

First Reading:	March 29, 2017
Website and Social Media Notifications:	March 30, 2017
Formal Notice of Publication:	April 12, 2017
Second Reading:	April 26, 2017
Website and Social Media Notifications:	April 27, 2017
Formal Final Publication and Enactment:	May 10, 2017
Enacted Bylaw posted to website:	May 10, 2017
Notice to Service Nova Scotia & Municipal Relations:	May 10, 2017

Bylaw Adoption - Amendment F-100-5 (F-100)

First Reading:	April 24, 2019
Website and Social Media Notifications:	April 25, 2019
Formal Notice of Publication:	May 8, 2019
Second Reading:	June 26, 2019
Website and Social Media Notifications:	July 10, 2019
Formal Final Publication and Enactment:	July 10, 2019
Enacted Bylaw posted to website:	July 10, 2019
Notice to Service Nova Scotia & Municipal Relations:	July 10, 2019

Bylaw Adoption - Amendment F-100-6 (F-100)

First Reading:	September 25, 2019
Website and Social Media Notifications:	October 9, 2019
Formal Notice of Publication:	October 9, 2019
Second Reading:	October 23, 2019
Website and Social Media Notifications:	October 24, 2019
Formal Final Publication and Enactment:	November 6, 2019
Enacted Bylaw posted to website:	November 6, 2019
Notice to Service Nova Scotia & Municipal Relations:	November 6, 2019





Version Log	Amendment Description	Council Approval Date
139B	Establishes the manner in which the municipality may impose, fix and provide methods of enforcing payment of charges for types of local improvement.	December 17, 2002
139B-1	Establishes the following projects as local improvements: Park Road upgrade and extension 2003, and Park Road sewer extension 2003.	May 20, 2003
139B-2	Establishes the street paving of Hampton Green, Elmsdale as a local improvement.	September 16, 2003
139B-3	Clarifies terms of existing bylaw and establishes the following projects as local improvements: Extension of Sewer and Water Services (Highway #214) and Extension of Sewer and Water Services (Station Road, Enfield)	October 25, 2004
139B-4	Establishes the following projects as local improvements: Park Road upgrade and extension 2008, and Park Road sewer extension 2008.	May 20, 2008
139B-5	Expands definition section and to clarify the manner in which council will determine whether or not majority approval has been obtained.	September 25, 2008
139B-6	Amends "Schedule A" to include the paving of Morning Breeze Drive, Mount Uniacke, to include the project as a local improvement.	June 24, 2009
164	Establishes council discretion, re-defines minimum frontage, adds that a petition may include properties fronting onto more than one street, outlines the petition process, and re-numbers the bylaw.	March 30, 2011
F-100	Amends "Schedule A" to include the 2012 extension of Park Road, to include the project as a local improvement, and re-numbers the bylaw.	September 26, 2012
F-100-1	Amends "Schedule A" (Park Road Extension 2012) to add financing options of local improvement charges for property owners.	January 23, 2013
F-100-2	Add the definition of corner lot, charge, frontage, municipality subdividable lot & through lot, changes to the frontage adjustment regulations and general housekeeping changes ; Renamed F-100	April 23, 2014
F-100-3	A sub-project was added to Schedule "A" - 2 Extension of Sewer and Water Services Highway #214 which sets out the provisions for connection of PID 45085248 to Municipal sewer and water services; and AAN 04844092 was replaced with AAN 07884494 under Schedule "A" - 2 Extension of Sewer and Water Services Highway #214 (a) ; Continue to be Named F-100	June 24, 2015
F-100-4	Amends "Schedule A" to include the 2016 serviceable boundary extension on Hwy 214, setting fees for water and wastewater connection that are consistent with the original petition of Hwy 214 and Country Lane water and wastewater extension in Elmsdale. Article 2, section i), ii) and iii) (later was added)	April 26, 2017
F-100-5	Amends "Schedule A" to outline a charge for PIDs 45393410 and 45342938 to use the Enfield water transmission main extension as distribution infrastructure for any development, through hooking service laterals and distribution mains into the transmission main.	June 26, 2019





F-100-6	Amends "Schedule A" to outline a charge for PIDs 45367539, 45336930, and 45140662 connecting to <Street> for the 2019 Uniacke Business Park Expansion.	October 23, 2019
F-100-7	Amends "Schedule A" to update new street names in Section 6 and add Section 7, Section 8, Section 9.	





SCHEDULE "A"

1. PARK ROAD UPGRADE AND EXTENSION 2003

- (a) The project will involve the upgrade and extension of Park Road by 120 feet.
- (b) Properties with the following PID numbers shall be subject to the local improvement charge to the extent that they front on the upgrade/improvement:

45272044
45291572
45183761
45271988
- (c) The local improvement charges will be based upon the total foot frontage of the properties abutting the work completed under the project. An interim charge of \$61.00 per foot shall be levied. Final amounts will be confirmed and billed within 90 days of project completion.
- (d) The cost of the project shall exclude long term financing charges. The charge will be subject to an interest rate of 0%.

2. EXTENSION OF SEWER AND WATER SERVICES HIGHWAY #214

i) 2004 Service Extension – Complete 2005/2006

- (a) The project will involve the design and construction of sewer and water service to 17 properties fronting on the #214 Highway or on Country Lane in Elmsdale including AAN's 04861779, 01586793, 04476999, 00130443, 00591742, 02670933, 04598598, 03630544, 04784081, 01817485, 07884494, 04844084, 01577913, 01575651, 04316274, 04844157, 01639331).
- (b) An equal charge per property will be calculated based on 35% of the project costs. Based on pre-design estimates, the charge will be \$7,610 per property based on 17 existing properties to be serviced but the amount may vary depending on a confirmed calculation based on actual cost of the project.
- (c) Infrastructure charges will also be levied as each property is connected to the system. If the owner chooses to connect as the service extension is being done they can choose an option to blend those infrastructure charges along with the local improvement charge into a 10-year financing option at the financing rate obtained by the Municipality from the Municipal Finance Corporation (estimated at 6%). A 30-day period will be given in which to decide on whether to choose the upfront or 10-year payment option. Failure to notify the Municipality of the choice we will be deemed to be selection of the upfront option.





- (d) Properties which do not connect immediately will be eligible for the 10-year financing option for the local improvement charge, but any infrastructure fees assessed when connection takes place will be due and payable at that time and will not be eligible for long-term financing. Charges assessed for properties, which change to other than a single or two-unit residential dwelling or are created after the completion of the project will not be extended the long-term financing option. The resulting lien will be immediately collectable.
- (e) We understand that if for any reason, a lot that may be serviced as a result of this project is exempt from the levy of Infrastructure charges, that lot will pay double the fee calculated in (b) above (as calculated at the initiation of the project).
- (f) This project pertains to land that extends only 150 feet back from either Highway 214 or Country Lane. Any development of land beyond this 150 foot depth is not eligible to be serviced under the provisions of this petition.
- (g) Only the southern-most 100-feet of frontage of property PID 45085289 (Carmie's Day Care Property owned by Giansante) is eligible to be serviced under the provisions of this petition.
- (h) Any new lot created, subsequent to the project, within the land mass provided for in this project (see f) will be charged a fee of \$19,473.
- (i) Any costs associated with servicing our properties beyond the service laterals to property lines (generally considered to be where the road right-of-way ends) is the responsibility of the property owner and that the work must be carried out by the property owner and must be in compliance with all Municipal Standards.
- (j) All charges assessed are liens against the related property regardless whether the property is hooked into the service or not.
- (k) Upon completion of the project, properties will immediately be charged with an area rate for sewer service and public fire protection (hydrants) based on the assessed value of our properties. These rates change from year-to-year and are charged regardless of whether or not properties are connected to the system or not.
- (l) Properties will also be charged for the water service on the basis of a base charge per quarter and a usage fee per 1,000 gallons or cubic metre of water used at the rates in effect in the Regional Water Utility.





- ii) Provision of Municipal Sewer and Water to PID 45085248 (2015)**
 - (m) The project will involve the provision of Municipal sewer and water services to PID 45085248, within a land mass that extends 150 feet back from Highway 214 and extends 300 feet from the southern-most corner of frontage along Highway 214.
 - (n) A fee in the sum of \$19,473 will be charged to PID 45085248, and any new lot created from PID 45085248 (within the land mass provided for in this project) will be charged a fee of \$19,473. This fee is due immediately upon the passing of this bylaw or upon the registration of final plan of subdivision at the Registry of Deeds for the creation of any new lot.
 - (o) PID 45085248 and any new lot created from the same parcel of land will be subject to connection infrastructure fees, due when the building permit is issued.
 - (p) All of PID 45085248 will begin to pay the urban service rate upon passing of this bylaw.
 - (q) Long-term financing options are not available for the charges outlined in (n) and (o).
- iii) Extension of Serviceable Boundary Highway 214 - 2016**
 - (r) In 2016, the serviceable boundary (known as the South Corridor & Commercial Growth Management Area) was extended through the Municipal Plan Review to include PIDs 45400033, 45085271, 45085297, 45085305, 45085313, 45204302, 45085255, and 45395993. The extension includes lands beyond 150 feet on PIDs 45085248, 45085198, 45085206 and 45085289 and the land extending past the southern-most 100-feet of frontage of property PID 45085289.
 - (s) New service connections that connect directly to the water and sewer mains extended as part of the 2004 Service Extension shall be charged a fee of \$19,473, provided that the landmass charged under sections (b), (h) and (n) shall be exempt. This fee is due immediately upon application for a building permit and/or connection request.
 - (t) New water and sewer mains that connect directly to the water and sewer mains extended as part of the 2004 Service Extension shall be charged a fee of \$19,473. Subsequent service connections to these mains will not be charged.
 - (u) For the purposes of section (s), separate properties serviced by the same service connection shall be deemed separate service connections.
 - (v) Notwithstanding Infrastructure Charges Bylaw Clause 4.1.1.1, infrastructure charges will be levied for each new service connection.





- (w) Any new lots created within the extension area will be subject to the provisions of this section (iii).
- (x) When a building permit and/or service connection is issued, the property tax account will immediately be subject to the Urban Service Rate.
- (y) If a property or portion of a property that does not front on the 2004 Service Extension is serviced under this Bylaw, the said property or portion of a property may be subject to future local improvement charges relating to service extensions that do front on the said property or portion of a property, regardless of fees already paid.
- (z) All charges assessed are liens against the related property regardless whether the property has a service connection or not.
- (aa) Long-term financing options are not available for the charges outlined in this section (iii).

3. EXTENSION OF SEWER AND WATER SERVICES STATION ROAD - ENFIELD

- (a) The project will involve the design and construction of sewer and water systems to service properties fronting on or accessed from Station Road in Enfield including AAN's 04601483, 03129922, 07876017, 01309366, 02713217 and 03128911.
- (b) An equal charge per property will be calculated based on 35% of the project costs and allocated to the seven properties that could be serviced as a result of the work. Based on pre-design estimates the charge will be \$3,997.00 per property but the amount may vary depending on a confirmed calculation based on actual cost of the project. The Osborne/Brown property (AAN 01108204) while one of the seven properties included for "per unit" calculation, will not be subject to charge for the project because they are already full serviced. Their "portion" will be absorbed by the system. Costs associated with the water main and/or laterals coming off the pipes in the Station Road to the properties already serviced by the old "parker" water system (Doyle - AAN 03128822, McDowell - AAN 02713217 and AAN 03128911) will not be charged to the project but will be absorbed by the systems.
- (c) In addition to the local improvement fee noted above, infrastructure charges will also be levied when properties are connected to the new system unless the property already had that service prior to the project, i.e. those who currently have water service will not pay the water infrastructure charge. If the property owner chooses to connect as the service extension is being done, they can choose an option to blend those infrastructure charges, along with the local improvement charge, into a 10-year financing option at the financing rate obtained by the Municipality from the Municipal Finance Corporation (currently estimated at 6%). A 30-day period in which to decide on whether to choose the upfront or 10-year payment option will be given. Property owners who fail to notify the





Municipality of choice will be deemed to have selected the upfront option. A sewer connection fee of \$500 per single unit premise will also be due and payable and will have no financing option associated with it.

- (d) If a property owner chooses not to connect immediately the local improvement charge is still due and payable and the 10-year financing option is still available for the local improvement charge but any Infrastructure Fees assessed when the property ultimately connects will be due and payable at that time and will not be eligible for long-term financing. Charges assessed for properties, which change to other than a single or twounit residential dwelling use or are created after the completion of the project will not be extended the long-term financing option. The resulting lien will be immediately collectable.
- (e) Property owners are 100% responsible for any costs associated with servicing properties beyond the service laterals to their property lines (generally considered to be where the road right-of-way or service easement ends) and that this work must be carried out by themselves and must be in compliance with all Municipal standards. NOTE: The exception to this is the properties who currently have water service in which case the cost of laterals and/or mains will be absorbed by the systems as outlined in #2 above.
- (f) Charges assessed under Bylaw F-100 are liens against the property regardless whether property is hooked to the central services or not.
- (g) Upon completion of the project properties will immediately be charged with an area rate for sewer service and public fire protection (hydrants) based on the assessed value of our properties. These rates change from year to year and are charged regardless whether or not properties are hooked to the system or not.
- (h) Properties will also be charged for the water service on the basis of a base charge per quarter and a usage fee per 1,000 gallons or cubic metre of water used at the rates in effect in the Regional Water Utility.

4. PARK ROAD EXTENSION 2012

Park Road Extension 2012 - All costs excluding force main and lift station costs

- (a) The project will involve extension of Park Road infrastructure by approximately 2,230 feet. To the extent that properties front on the upgrade/improvement they will be subject to the local improvements.
- (b) Properties subject to the local improvement include PID 45083987 and PID 45183761.





- (c) Affected lots shall be charged for the local improvement charge based on frontage. An interim charge of \$300 per foot may be levied. Final amounts to be confirmed and billed within 90 days of project completion.
- (d) The property owner may choose an option to finance the local improvement charge with payment terms that match the terms of the debt of the Municipality from the Municipal Finance Corporation. A notification period in which to decide on whether to choose the up-front or multi-year payment option will be given to the property owner upon completion of the project. Property owners who fail to notify the Municipality of their choice will be deemed to have selected the up-front option and will be billed accordingly. Collection of these up-front fees will be subject to the conditions of the administrative guidelines for the collection of local improvement charges.

Park Road Extension 2012 - Lift station and force main costs

- (a) The project will involve the extension of the sanitary sewer 2,230 feet including force main and lift station construction.
- (b) Properties within the direct serviced land area of the lift station and force main will be charged for the cost of the lift station and force main on the basis of directly serviced land mass, including PID 45083987 and PID 45183761.
- (c) An interim charge of \$10,000 may be levied. Final amounts to be confirmed and billed within 90 days of project completion.
- (d) The property owner may choose an option to finance the local improvement charge with payment terms that match the terms of the debt of the Municipality from the Municipal Finance Corporation. A notification period in which to decide on whether to choose the up-front or multi-year payment option will be given to the property owner upon completion of the project. Property owners who fail to notify the Municipality of their choice will be deemed to have selected the up-front option and will be billed accordingly. Collection of these up-front fees will be subject to the conditions of the administrative guidelines for the collection of local improvement charges.

5. ENFIELD WATER TRANSMISSION WATER TRANSMISSION MAIN EXTENSION 2017/2018

- (a) The project involved the installation of a water transmission main of 2,928 meters.
- (b) Properties with the PID numbers 45393410 and 45342938 shall be subject to a local improvement charge to the extent that they front on the installed Enfield Water Transmission Main (2018 Extension) and approval is received from the Municipality to directly connect service laterals to the transmission main as part of the water distribution infrastructure for any development of the land. The properties will be invoiced upon the





first of final subdivision approval or a building permit issued. For greater clarity, each PID will have a right to one connection to the transmission main without incurring the local improvement charge.

- (c) The local improvement charges will be based upon the cost of each section of main related to that particular PID as calculated using the relevant project costs (engineering and construction). On that basis the charges are \$137,200 for PID 45393410 and \$169,500 for PID 45342938.
- (d) The property owner may choose a 10-year financing option, financed at the average financing rate obtained by the Municipality from the Municipal Finance Corporation in 2018. The owner must make their intentions to finance the project known within 30 days of invoicing, as noted above in (b). Property owners who fail to notify the Municipality of their choice will be deemed to have selected the up-front option and the funds will be due and payable. Financing of Infrastructure Charges is not available.

6. UNIACKE BUSINESS PARK EXPANSION 2019/2020

- (a) The project involves the construction of a road of 583 meters.
- (b) Property with PID number 45367539 shall be subject to a local improvement charge of \$20,000 per road access on to Lady Mary Way to the extent that the road access is from land that has been subdivided off of PID 45367539 or a right away easement with adjoining lands. A lien will be placed on the property and will be payable when the property owner establishes a connection to the road.
- (c) Property with PID number 45336930 shall be subject to a local improvement charge of \$20,000 per road access on to Lady Mary Way. Should any portion of the property be sold or a right away easement be granted to adjoining lands facilitating a connection to Lady Mary Way, a \$20,000 charge will be applicable per road access. A lien will be placed on the property and will be payable when the property owner establishes a connection to the road.
- (d) Property with PID number 45140662 shall be subject to a local improvement charge of \$20,000 per road access on Andrew Mitchel Drive. Should any portion of the property be sold or a right away easement be granted to adjoining lands facilitating a connection to Lady Mary Way, a \$20,000 charge will be applicable per road access. A lien will be placed on the property and will be payable when the property owner establishes a connection to the road.
- (e) Collection of these charges will be subject to the conditions of the administrative guidelines for the collection of local improvement charges. Financing is not available.





7. HIGHWAY 214 ROAD WIDENING, SIDEWALK, CROSSWALK INFRASTRUCTURE 1998/1999

- (a) The intent of the project was to develop commercial business along Highway 214 in Elmsdale.
- (b) The project included the installation of sidewalks and the widening of Highway 214 in front of the Irving Service Station as well as the installation of a crosswalk beside Brook Court.
- (c) Council approved the work and the funding formula based on the principle that the Municipality would pay the costs upfront and recover the funds when these properties developed in a commercial capacity.
- (d) The sidewalk was to be paid for in equal parts by the four properties which are designated future commercial development by the Municipality: PID 45084993 Transportation and Infrastructure Renewal (TIR), PID 45084985 McDonalds, PID 45084969 3337637 Nova Scotia Limited (formerly Ellis), PID 45084936 Doreen Marie Beaver. There are three properties remaining that have not yet been developed commercially; PID 45084993 Transportation and Infrastructure Renewal (TIR), PID 45084969 for 3337637 Nova Scotia Limited and PID 45084936 for Doreen Marie Beaver.
- (e) The crosswalk was to be paid for in equal parts by the four properties which are designated future commercial development by the Municipality. PID# 45084993 TIR, PID 45084985 McDonalds, PID 45084969 3337637 Nova Scotia Limited (formerly Ellis), and PID# 45084936 Doreen Marie Beaver.
- (f) The third lane was to be paid for based on the frontage of the Irving Oil property and the four properties which are designated future commercial development by the Municipality: PID 45084993 TIR, PID 45084985 (McDonalds), PID 45084969 3337637 Nova Scotia Limited (formerly Ellis), PID 45084936 Doreen Marie Beaver. The Irving Oil Limited property (PID 45285632) accounted for 50.2% of the frontage however their liability was capped at \$35,000 for this project.
- (g) The lien is due and payable when a development permit is issued.

8. KALI LANE WATER AND SEWER EXTENSION

- (a) The intent of the project is to extend water and sewer services to Kali Lane. Subject properties include: bulk land PIDs 45215159 & 45151735 and properties identified by PIDs 45214137, 45214129, 45207453, 45207446, 45207438 and 45276060. PID 45208634 is also within the petitioned land mass.
- (b) All subject properties will pay a base \$8,000 local improvement charge. This amount, upon billing, can be paid upfront or over 15 years. Property owner Corridor





Developments Ltd. (PID 45377611) will also contribute \$8,000 to the project. PID 45208634 is serviced through Tyler Street and therefore not subject to the initial \$8,000 charge.

- (c) Two bulk land parcels will pay an additional \$35,000 (PID 45151735, Nova Trucking Ltd.) and \$40,000 (PID 45215159, Elegant Acreage Ltd.). These bulk fees cover the creation of any future single dwelling units on building lots created from the bulk land.
- (d) Should any of the land within the petitioned land mass be subdivided and the new lots do not require the building of roads, sidewalks and stormsewer, the new lot will be subject to a capital contribution of \$11,042. This charge is not eligible for long term financing. The charge will be a lien against the land as soon as subdivided and payment will be required as soon as the lot is sold or developed (i.e. permit for building is issued).
- (e) If the construction on a new lot or the alteration of existing construction involves a multiple unit structure (duplex, townhouse, apartment) anywhere in the petitioned land mass, there will be an additional capital contribution requirement of \$1,000 due immediately (when the permit for building is issued).
- (f) In addition to the local improvement fee noted above, infrastructure charges will also be levied as determined by the Municipal Engineer.
- (g) There is no long term financing for any charges beyond those committed to within 30 days of project completion.

9. ACTIVE TRANSPORTATION EXTENSION - PID 45085248

- (a) The project involves the construction of 550 meters of active transportation routing extending along Hwy 214, from the existing sidewalk to the end of the subject properties. The estimated cost of the total project is \$900,000.
- (b) The subject property shall be subject to a local improvement charge of \$132,985 for the subject infrastructure. If construction occurs in 2023 onwards, this charge will increase by the Infrastructure Construction Index for Canada, including the January 1st of the construction year.
- (c) The subject property shall be subject to an administration fee of \$63,000 (7% of \$900,000) if the project is done as a standalone project. The administration fee is part of the local improvement charge for the purpose of the lien and collection.
- (d) The local improvement charge will be payable at the issuance of a development permit for the mixed-use building in the development agreement.





- (e) At the sole discretion of the Municipality, construction is contingent on the issuance of an occupancy permit for the mixed-use building in the development agreement.
- (f) The local improvement will be a lien on the property once an engineering design tender is issued by the Municipality.
- (g) If the Municipality constructs the subject infrastructure prior to development activity on the property, the local improvement charge will be payable at the issuance of the first development permit.

