

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 51
RESPECTING PRIVATE BRIDGE FINANCING**

WHEREAS subsection 1 of section 104 of the *Halifax Regional Municipality Charter* states that “The Council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for ... (g) laying out, opening, constructing, repairing, improving and maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads, where the cost is incurred (i) by the Municipality, or (ii) under an agreement between the Municipality and a person”;

AND WHEREAS the Council of the Municipality wants to create procedures for property owners applying for financing of bridges that are associated with private roads;

NOW THEREFORE BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Administrative Order may be cited as Administrative Order Number 51, the Private Bridges Administrative Order.

Purpose of Administrative Order

2. The purpose of this Administrative Order is to provide property owners with a mechanism to apply to the municipality to finance the repairing, upgrading or replacement of a privately owned bridge that is:

- (a) required to access their properties; and
- (b) has been determined by a Professional Engineer to be unsafe for vehicle traffic or will be unsafe for vehicle traffic within the near future.

Definitions

3. In this Administrative Order,

- (a) “Local Improvement Charge” means:
 - (i) a form of property tax to fund the capital cost of municipal infrastructure including bridges which benefit a specific area of the municipality;
 - (ii) is charged only to the properties receiving the benefit of such infrastructure; and
 - (iii) the cost of such infrastructure is typically charged as a uniform charge per property, on a frontage basis, or a combination of both a uniform charge and frontage basis;

(b) “Private Bridge” means a bridge which is not owned and/or maintained by the Halifax Regional Municipality, the Province of Nova Scotia, the Government of Canada, or any other publicly funded entity; and

(c) “Professional Engineer” means:

(i) an individual who has obtained the P.Eng designation and who is currently registered in the Province of Nova Scotia and is in good standing with Engineers Nova Scotia; and

(ii) has expertise in bridge construction.

Application of Administrative Order

4. (1) This Administrative Order only applies where property owners have been advised in writing by a Professional Engineer that the private bridge providing access to their properties is unable to meet the load requirements necessary for the passage of vehicular traffic, or may be unable to do so within the near future.

(2) Where a Professional Engineer advises the property owners that the private bridge is unable to meet the load requirements, the property owners so affected may apply under this Administrative Order to have 100% of the cost of the repairs, upgrades, or replacement of the bridge (less any external funding received) financed over a period of up to 20 years through the implementation of a Local Improvement Charge applied to their properties. HRM will **not** provide any funding towards the cost of the repairs, upgrades, or replacement of the bridge except for those amounts to be recovered from the property owners through the Local Improvement Charge.

(3) For greater clarity, the property owners are responsible for the entire cost of repairs, upgrades or replacement of the bridge. HRM’s role is restricted solely to providing a financing mechanism to the property owners through By-Law L-100, Respecting Charges for Local Improvements.

Procedure to Apply

5. The procedures set out in Schedule “A” to this Administrative Order are part of this Administrative Order and are the requirements which must be satisfied before HRM will consider financing repairing, upgrading or replacing a private bridge.

Schedule “A”

Requirements

1. Where property owners have been advised in writing by a Professional Engineer under subsection 1 of section 4 of this Administrative Order that the private bridge providing access to their properties is unsafe for the passage of motor vehicles, or does not, or may not in the near future, meet the load requirements necessary for the passage of motor vehicles, the property owners may request assistance from HRM to finance the cost of the repairs, upgrades or replacement necessary to provide safe passage.
2. The property owners must obtain a cost estimate from a contractor qualified to repair, upgrade or replace bridges along with a written description and schematics of the work to be completed as provided by a Professional Engineer. The cost estimate must be based on the work required to be completed as detailed in the Professional Engineer’s report. The property owners are encouraged to obtain at least three quotes to ensure value for money.
3. The Professional Engineer’s report and contractor’s quote must be submitted to HRM for review of the cost estimate (Note: HRM does not provide design and construction review). The cost estimate is used to determine the interim amount of the Local Improvement Charge which is communicated to property owners and included in the by-law to enact the Local Improvement Charge.
4. A one-time fee of \$200 will be charged by HRM to the property owners collectively for expenses associated with administering the Administrative Order. The fee would be included in the final total cost of the project and therefore divided up amongst all the properties to be charged the Local Improvement Charge.
5.
 - (a) The cost estimate provided under procedure 3 will be reviewed to ensure that the amount of the Local Improvement Charge for any one property does not exceed 80% of the assessed value of that property.
 - (b) Where the Local Improvement Charge does exceed 80% of the assessed value of any property, the amount in excess of 80% will be divided among the remaining properties to be charged.
6. A formal survey of the property owners will be conducted by HRM. Each property owner will receive written information by regular mail which will include the following:
 - (a) The purpose of the survey;
 - (b) The total estimated cost of the work which will include a reasonable contingency based on the Professional Engineer’s report and the contractor’s cost estimate;
 - (c) A statement that the property owners are 100% responsible for the cost of the work;

- (d) The estimated Local Improvement Charge which will be based on the total estimated cost including full HST (less any external funding) divided by the total number of properties to be serviced by the bridge;
 - (e) A statement that the actual amount of the Local Improvement Charge will be based on the final actual cost of the project including surveying, engineering, permits, construction, inspection, contract administration, and any other costs required to be incurred to complete the work;
 - (f) A statement that the implementation of a Local Improvement Charge results in a lien on all properties subject to the charge;
 - (g) The financing interest rate to be charged and how it is determined (prime rate Plus 2%) along with other terms of the Local Improvement Charge such as the maximum financing period (up to 20 years), minimum annual instalments required, payment options, and due dates;
 - (h) Details of the process including what constitutes a majority in favour of the Local Improvement Charge (a simple majority 50%+1 of properties subject to the charge) and approval of an amending by-law by Regional Council;
 - (i) The date, time and location of a public meeting to provide additional information, and to respond to any questions or concerns from property owners;
 - (j) A statement that the survey results are non-binding and that Regional Council may consider other information in deciding on whether or not to approve the Local Improvement Charge;
 - (k) A statement that HRM assumes no responsibility or liability for the work completed;
 - (l) A ballot which requests that the property owner indicate with a check mark or "X" whether or not they agree to the Local Improvement Charge to finance their individual shares of the cost for repairs, upgrades or replacement of the bridge;
 - (m) Instructions as to how the ballot can be submitted and the deadline for doing so;
 - (n) Contact information for questions, and
 - (o) Any other information which may be pertinent to the survey.
7. (a) For the request to proceed to the by-law stage, ballots indicating agreement to pay the Local Improvement Charge must be received from property owners representing at least 50% + 1 of the properties that would be subject to the Charge.

(b) For greater clarity, the 50% + 1 requirement applies to the number of properties that would be subject to the charge, and not to the number of respondents.

8. To implement the Local Improvement Charge, Regional Council must approve a by-law to amend By-law L-100, Respecting Charges for Local Improvements. Prior to approval, at Regional Council's sole discretion, a public hearing may be held to allow members of the general public to address Regional Council with any concerns or comments in favour of or against the project and the Local Improvement Charge to finance the cost.

9. While Regional Council will consider the results of the formal survey and the comments provided at the public hearing, if one is held, such surveys and comments are non-binding on Regional Council. Regional Council may also consider other pertinent information in deciding whether or not to approve the amending by-law, including advice from staff and other qualified individuals regarding the condition of the bridge.

10. Following final approval by Regional Council of the by-law, the property owners will be advised of Council's decision and further requirements which are outlined in the remainder of this document.

11. If they have not already done so, the property owners serviced by the bridge must form an Association as defined under the Societies Act, and register with the Registry of Joint Stock Companies for the purpose of dealing with the Professional Engineer, contractor, regulatory agencies and any other agents necessary for the project, and for the ongoing maintenance and upkeep of the bridge.

12. The Association will be responsible for all facets of the project including, but not limited to, relevant surveying, engineering design, regulatory approvals (if necessary), construction, contract administration/construction inspection, and certification. However the Association will be required to engage the services of qualified professionals who ultimately will be responsible for the overall management of the bridge project.

13. The Association is obligated to ensure that all municipal, provincial and federal permits are obtained, and that the requirements are adhered to. Any costs associated with the permitting process are to be borne by the property owners and may be included in the Local Improvement Charge.

14. HRM assumes no responsibility or liability related to the project.

15. Upon completion of the bridge replacement or upgrade, the Association must provide HRM with certification through a Professional Engineer that the bridge was constructed as per the engineering drawings and specifications, and that the bridge meets all loading requirements as described in applicable bridges codes and regulations.

16. The Association will forward all project invoices to HRM for payment, and HRM will use the invoice amounts including full HST to calculate the final Local Improvement Charge. All

actual project costs, including surveying, engineering, permits, construction, inspection, contract administration, etc., will be used to be determine the final Local Improvement Charge to be paid by the property owners.

17. All invoices for payment must be billed jointly to both the Association and the Halifax Regional Municipality.

18. The Association is responsible for carrying the necessary liability insurance for the bridge and to maintain it. By-Law P-1100, Respecting Charges for Private Road Maintenance, is available to the Association for this purpose.

19. This procedure will be updated from time to time as and when required.

Done and passed in Council this 5th day of March, 2013.

Mayor

Municipal Clerk

Notice of Motion:
Approval:

February 26, 2013
March 5, 2013