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Item No. 14.1.6
Halifax Regional Council
June 20, 2017

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: June 5, 2017

SUBJECT: HRM Gravel Roads, By-law S-444, Amendments to By-law S-400, the *Street Improvement Bylaw*

ORIGIN

On June 21, 2016 Halifax Regional Council passed the following motion:

That Halifax Regional Council directs staff to revise the Local Improvement Charge (LIC) Policy based on Option 1 as described in the report dated March 23, 2016, eliminating the right of petition, lowering the LIC rate from 50 percent to 33 1/3 percent, resulting in the net cost to HRM of \$4.1m, and staff be further directed to consider including additional criteria when considering the paving of gravel roads, such as public parking, and/or public use, with the intent of reducing the overall costs paid by the taxpayer.

On October 27, 2015 Halifax Regional Council passed the following motion:

"That Halifax Regional Council direct staff to prepare a report with recommendations to: 1. Draft amendments to Bylaw S-400, the Street Improvement Bylaw, to allow a property owner abutting on more than one street to receive a credit where:

- (a) the property owner has already paid for chip sealing on one of the abutting streets; and
- (b) a second abutting street is subsequently paved; and 2. return to Council for consideration of the amendments."

LEGISLATIVE AUTHORITY

Clause 73(a) of the *Halifax Regional Municipality Charter*, "The Municipality may enter into and carry out agreements.... (a) for highway construction, improvement and maintenance and other purposes pursuant to the *Public Highways Act*,"

Clause 104(1)(f) of the *Halifax Regional Municipality Charter* "(1) The Council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for ... (f) laying out, opening, constructing, repairing, improving and maintaining streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls....".

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Adopt By-law S-444, further amending Bylaw S-400, the *Street Improvement Bylaw*, as set out in Attachment 2 of this report;
2. Adopt Administrative Order 2017-007-ADM, *The Local Improvement Policy*, including repealing the 1997 Local Improvement Policy adopted by Council on April 29, 1997, and any amendments thereto; and
3. Exclude paving of the following streets for an indefinite period of time: Esso Road (District 11), Deerwood Lane (District 13), Memory Lane (District 15), Station Road (District 14), Tallahassee Avenue (District 3) and Sawlers Road & Old Scott Road (District 1).

BACKGROUND

On April 29, 1997, Council adopted the Local Improvement Charges Policy ("Policy") (Attachment 4). The Policy applied to improvements to streets, sidewalks and sewers and set out the cost sharing and the requirement for a petition of the residents. For project approval, the Policy required a positive vote from the property owners who collectively own at least 50 percent of the frontage. However, Council could still proceed with a project if it determined it was in the best interest of the Municipality to do so.

In relation to costs, for areas outside the core, the Policy required all paving projects, sidewalk and curb projects to have either: (1) provincial approval and funding; or (2) if provincial funding was not available, that the residents pay 100 percent of the cost. For the Core area, the Municipality contributed 50 percent of the cost and the remaining 50 percent was funded by the property owners that benefited directly from the improvement.

Since 2000, private developers have been required to pave all new subdivision streets to HRM standards prior to being transferred to the municipality. Prior to 2000, it was not mandatory to pave all streets, and, as a result, there remain a number of municipally-owned gravel streets within HRM. Currently, there are 62 segments of "accepted" municipally owned gravel streets, totalling 17.5km in length, and many of these roads are less than 250m in length.

Over the past few years, it has become evident the current LIC process for the paving of HRM-owned gravel roads is difficult and complex to administer. The process of requesting projects, estimating road improvements, and surveying residents consumes significant Council, staff and citizen resources, but frequently does not lead to an approved LIC. As well, in areas where the road network could be improved or maintenance reduced (with paving), projects are usually not carried out because the survey of abutters does not achieve the minimum 50 percent approval.

DISCUSSION

At the June 21, 2016 Council meeting a report on Paving of HRM-owned Gravel Roads was tabled with various options on how to deal with HRM owned gravel roads. Council approved option 1 of the road report to upgrade all 62 streets to current HRM standards with pavement or chip sealing. The cost of the project will change from the 50 percent cost sharing (split equally between the property owners and HRM) as required by the Policy to two-thirds to HRM and one-third to the property owners recovered over a period of up to 10 years. It is proposed that HRM staff will continue to prioritize the streets to be paved each year for Council's consideration based on the approved geographic, maintenance and road classification criteria.

Council also requested staff to consider including additional criteria when contemplating the paving of gravel roads, such as public parking, and/or public use, with the intent of reducing the overall costs paid by the

taxpayer. As part of the review HRM staff conducted a traffic survey on Sucker Brook Road (District 15) and Raines Mill Road (District 12) to better understand the volume of traffic that may be created from non-residents of the streets, as both streets have access to public trails. Below is a summary of the ADT (Average Daily Traffic) counts:

Sucker Brook Road – north bound count for 24 hours = 59 vehicles, south bound count for 24 hours = 69 vehicles (recorded on August 8, 2016); Total two-way trips = 128

Raines Mill Road – north bound count 24 hours = 158 vehicles, south bound count for 24 hours = 174 vehicles (recorded on August 22, 2016); Total two-way trips = 332

These traffic counts are very low, and typical of low volume local roads. Applying a standard residential household trip generation model, Sucker Brook Road and Raines Mill Road would be expected to have 115 and 336 daily two-way traffic counts, respectively. This is based on 9 residential properties on Sucker Brook Road and 29 residential properties on Raines Mills Road. Therefore, the comparison between the actual counts and the traffic created by local property owners (as estimated by the model) are similar. Although the actual counts represent one sampling event. Staff recommend not to reduce the property owners' share of the LIC's on these streets. Staff is not aware of other streets where there is the potential for increased public use.

Currently, there is no definitive time frame for the paving of all 62 HRM owned gravel roads and no new funding allocated in the 2017/18 capital program. The timeframe will be dependent on Council direction, budget allocation and staff time. As outlined in the June 21, 2016, report to Council the total estimated cost (Class D) to pave all remaining HRM owned gravel roads is approximately \$6.1M. A decision is required to determine a schedule to address these remaining streets, and will be presented to Council through the 2018/19 capital budget process. Currently it is estimated that approximately \$1-\$1.2M of streets could be tendered and paved annually given the current staffing levels. The size of the program will also be based on factors including geographical location and length of each street.

2017/18 Program

Of the 62 streets on the list there are currently three streets that are being carried over from the 2016/17 capital program, and anticipated to be constructed in the 2017/18 fiscal year. These streets are Evans Drive (District 13), Canavan Drive (District 14) and Swan Crescent (District 11). If Council adopts the by-law amendments, the cost shared amount to be recovered from the property owners on each of these streets will be reduced to 33.33 percent. Swan Crescent, which is an HRM owned street, is located in Whites Lake, and connects with Carmella Drive which is a provincially owned "J" class street. Due to the location of Swan Crescent, HRM is requesting that Nova Scotia Transportation and Infrastructure Renewal (NSTIR) include it in the 2017 Aid to Municipality Program along with other "J" class roads located in proximity to Swan Crescent. If approved to be paved by NSTIR, the province will invoice HRM 100 percent of the cost for the paving of Swan Crescent.

Roads to be excluded

The remaining 62 gravel road segments are listed in the attached Schedule 1 of Attachment 2 to this report. Staff is recommending that seven of the road segments (Esso Road (District 11), Deerwood Lane (District 13), Memory Lane (District 15), Station Road (District 14), Tallahassee Avenue (District 3) and Sawlers Road & Old Scott Road (District 1) be excluded from paving for an indefinite period of time. These seven segments have unique characteristics (i.e., configuration, very narrow, very short, no residential properties fronting the street, split ownership, etc.), and staff believes it would not be a prudent decision to pave. The district Councillors where these roads exist have been informed of the reasons to exclude the paving, and agree with the rationale. It is noted the list of streets to be paved is a living document, and may be subject to change. As an example, any contemplation of a future extension of the core boundary may result in HRM taking ownership of gravel roads from NSTIR. If this were to occur, an amendment to Bylaw S-400 would be required.

Nova Scotia Aid to Municipality Program

It is important to comment that the Aid to Municipality Program, which is the paving of provincially owned "J" class roads and administered by the Province, is still active. It currently requires a successful petition from abutting property owners who own a minimum 50 percent of the total recoverable frontage, in order for the street to be considered for paving and this requirement has been set out in section 1B of the By-law. Under the cost sharing agreement for the Aid to Municipality Program the Province and HRM equally cost share (50/50) of the total construction costs with HRM recovering its portion from the property owners through the LIC process. Clearly there are elements of this program that now differ from the paving of municipally-owned gravel roads, and it is the intention of staff to review this issue with the Province to determine whether there are options to better align the programs.

Sidewalks

Sidewalks have been removed from the attached Amendment of Bylaw S-400. A separate Bylaw will be created to address new sidewalks contemplated for outside the urban general tax rate area. Active Transportation staff will be developing the Rural Pedestrian Strategy as part of the AT Priorities 2014/19 Plan, and will develop a new bylaw for Council's consideration. It is anticipated this new bylaw will be presented to Council within the next 12 months.

Other Amendments

Most of the LIC Policy is no longer relevant. Sidewalk charges are going to be set by another by-law. In respect of streets, a petition for the 62 streets to be paved is no longer required as Council has decided to pave them and these 62 streets are being added to the By-law in a Schedule. The remaining item respecting streets in the Policy is a requirement for a petition for roads outside the core. Staff is recommending this requirement be added to the By-law so the petition requirement and the charges are set out in the same place.

The last remaining part of the LIC Policy deals with sewers. A new Administrative Order (called the *Local Improvement Policy* for consistency) has been drafted which removes sidewalks and streets while continuing to apply to sewers. The sewers requirements in the new Local Improvement Policy are the same as the requirements in the existing policy. The new policy still requires a survey of those benefiting from the project. Support from 50% of the owners that benefit from the project is still required for the project to proceed unless Council determines it is in the best interest of the Municipality to do so. A charge will continue to be imposed in a by-law and an owner still has 10 years to repay the amount of the charge.

Besides a new LIC Policy, staff is also recommending some changes to add clarity to the by-law. The HRM Charter states that "A by-law...(c) unless otherwise stated in the by-law, applies to the Municipality", (clause 185 (1)(c)) and "no property is exempt from a charge levied pursuant to this Section except property of Her Majesty in right of the Province" (subsection 104(4)). Staff is recommending that this language be captured in the By-law by expressly stating that properties of the Crown and the Municipality are excluded, including being excluded from the calculation for the purposes of frontage. This will make it clear to the reader that these properties are exempt.

Staff is also recommending some housekeeping amendments, as follows:

- adding quotations around the references of Schedule for consistency with other references in the by-law;
- removing quotation before the start and end of certain subsections for consistency with the remainder of the by-law;
- de-capitalizing the word "schedule" in two places for consistency with the remainder of the by-law;
- removing a portion of clause 2(3)(a) as noted on the attached proposed Bylaw as the wording applied to curb and gutter and new sidewalks; and,
- adding clause 2(3)(g) as a property lot is unable to develop where an NSP easement transverses the property.

FINANCIAL IMPLICATIONS

There are no financial implications at this time. The funding of the paving of Evans Drive, Canavan Drive and Swan Crescent was included in the approved 2016-17 capital budget.

The other paving projects will be considered in future capital budgets at the direction of Regional Council. New funding for the annual capital plan would begin no earlier than 2018/19.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in the Report. The risks considered rate Low. To reach this conclusion, consideration was given to financial, legal and compliance, and service delivery risks

COMMUNITY ENGAGEMENT

There is no requirement for community engagement at this time.

ENVIRONMENTAL IMPLICATIONS

Not Applicable

ALTERNATIVES

1. Council could refuse to adopt By-law S-444 and choose not to accept the recommendations as outlined in this report. However, staff does not recommend this for reasons outlined above. As well, staff believes the proposed amendments to Bylaw S-400 address the concerns of Council identified in previous motions, and overall improves the clarity and functionality of the Bylaw.
2. Council could choose to reduce the LIC to the property owners on streets such as Sucker Brook Road and Raines Mill Road where there is public parking, and/or public use for recreational purposes. As noted above, the traffic counts did not seem to increase from public use therefore staff does not believe it warrants a reduction in the local improvement charge. As well, staff is not aware of other streets where there is the potential for increased public use.

If Council selects alternative 2, Council could amend item 1 of the main motion to read as follows:

That Halifax Regional Council

Adopt By-law S-444, further amending By-law S-400, the *Street Improvement Bylaw*, as set out in Attachment 2 of this report, including repealing the 1997 Local Improvement Policy adopted by Council on April 29, 1997 and any amendments thereto, with the following amendment;

THAT section 1 of Attachment 2 is amended to add subsection 3 after the new subsection 2 as follows:

- (3) Notwithstanding subsection 2 of this section, if Council approves a street paving in the capital budget for [Street Name(s)], the amount of the charge to be paid by the owners of the property abutting the street shall include:
 - (a) [X] percent (%) of the actual cost of the street paving project; and
 - (b) an engineering overhead fee pursuant to subsection 12(2) and the bridging financing fee pursuant to the *Financial Policy Respecting on Interest for Bridge Financing for Capital Projects*.

ATTACHMENTS

Attachment 1 - Showing Proposed Changes to By-Law S-400
Attachment 2 - By-law S-444 (Amending By-law)
Attachment 3 - Incorporating Proposed Changes
Attachment 4 - Local Improvement Policy (1997)
Attachment 5 - Local Improvement Policy (2017)

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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ATTACHMENT 1
(Showing Proposed Changes to S-400)

Halifax Regional Municipality
Bylaw Number S-400
Respecting Charges for Street Improvements

Be It Enacted by the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Bylaw shall be known as Bylaw S-400 and may be cited as the "Street Improvement Bylaw".

Schedule 1 Streets

1A (1) A survey is not required for those streets listed in Schedule 1.

(2) If Council approves a street paving in the capital budget for a street listed in Schedule 1, the amount of the charge to be paid by the owners of the property abutting the street shall include:

(a) thirty-three and one-third percent (33.33%) of the actual cost of the street paving project; and

(b) an engineering overhead fee pursuant to subsection 12(2) and the bridging financing fee pursuant to the Financial Policy Respecting on Interest for Bridge Financing for Capital Projects.

Other Streets

1B (1) A survey is required before Council considers proceeding with a street paving project for a provincially owned street if such project will result in a charge being imposed pursuant to this Bylaw.

(2) If a survey is required, a survey shall be provided to the owners of the property:

(a) that abut the street of a proposed street paving; or

(b) if subsection 2(3B) applies, that will benefit from a proposed street paving.

(3) If the petition of the abutters has occurred and subsection 2(3B) is considered, a survey may be provided to those owners of property that are benefiting from, but not abutting on, the street.

(4) A survey that is returned to the Municipality on or before the date stated in the survey, shall be counted for the purposes of determining the level of support for the street paving.

(5) The level of support from the owners who returned the survey and voted in favour of the street paving project shall be calculated as a percentage of the total frontage of the owners of the properties who returned the surveys pursuant to subsection 4 of this section and this calculation shall be provided to Council.

(6) Council will consider the results provided to it in pursuant to subsection 5 as one of the factors in deciding whether the street paving project will proceed, including considering:

(a) whether or not the street paving project was approved by the owners of the properties who collectively own at least 50 percent (50%) of the total frontage; and

(b) if the owners who do not abut the street have voted against the project, whether the owners that abut the street have voted in favour of such project.

(7) If Council approves a street paving in the capital budget, the amount of the charge to be paid

by the owners of the property abutting the street, or the owners of the property abutting the street and benefiting from the paving project, shall include

(a) fifty percent (50%) of the actual cost of the street paving project; and

(b) the bridging financing fee pursuant to the *Financial Policy Respecting on Interest for Bridge Financing for Capital Projects*

Charge Imposed

2. (1) Where Council undertakes a project to install on a street paving, ~~sidewalk, curb and gutter~~ or chip sealing, there shall be imposed a charge on persons owning property which abuts either side of the street as more particularly described in Schedule "A".

(2) A charge pursuant to subsection (1) is hereby imposed on all projects approved by Halifax Regional Council from April 1, 1996 to the date this bylaw becomes effective.

(3) Charges imposed under ~~subsection (1) or (2)~~ this Bylaw may be adjusted by ~~Council~~ the Municipality in the following circumstances:

(a) where a property abuts more than one street, the charge for the project undertaken on the first street shall be based on the total frontage of the property on all streets divided by the number of streets on which the property abuts ~~and for subsequent projects shall be zero, provided however, if the property abuts a street directly opposite the street on which the property has its civic address, the property shall not be charged for a project on that street nor shall that frontage and street be included in the calculation for a project on another street.~~

(b) where due to physical barriers it is not practical to gain access from a property to a street on which a project is undertaken, the charge may be reduced ~~by the length that such barriers front the street, including reducing the frontage~~ to zero;

(c) ~~unless the frontage is zero pursuant to clause b of this subsection,~~ the minimum deemed frontage for any property shall be 30 feet;

(d) ~~abutters shall be charged for sidewalk on one side of a street only.~~ Repeal

(e) ~~every property shall be deemed to be subdivided into the greatest number of lots permissible and the charge shall be calculated for each such lot.~~ Repeal

(f) where a property abuts more than one street, and where one street has already been paved, there shall not be any further charges on subsequent paving of the other ~~S~~streets;

(g) if an easement granted to Nova Scotia Power Incorporated for the transmission of electricity via transmission towers runs perpendicular to a property that fronts on a street, the width of such easement is deducted from the total frontage of that property; and

(h) where a property abuts more than one street and a charge has already been imposed on the property for chipsealing one of those streets, the amount of the charge for the subsequent paving of another one of those streets may be reduced by the amount already imposed for the chipsealing.

(3A) The frontage of lands abutting a street owned by the Municipality or Her Majesty in Right of Canada or in Right of the Province of Nova Scotia shall be exempt from this Bylaw and shall be excluded from the calculation of the total frontage for the purposes of determining the amount of and imposing a charge pursuant to this Bylaw.

(3B) If Council determines that a street paving project benefits an area, a per property charge may be imposed on all the properties located in the area that are benefiting from the street paving project, including those properties that are abutting on the street that was paved.

(4) Notwithstanding subsections (1), (2) and (3) of Section 2, a charge is hereby imposed in those areas listed in Schedule "B" on a pro rata basis on each property assessed in each respective area in an amount sufficient to recover the cost of each project as is more particularly set out in Schedule "B".

(5) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "C" attached hereto as is more particularly set out in that ~~s~~Schedule.

(6) "Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "D" attached hereto, as is more particularly set out in that Schedule".

(7) "Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "EA as is more particularly set out in that Schedule."

(8) "Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "F" as is more particularly set out in that Schedule."

(9) "Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "G" attached hereto as is more particularly set out in that Schedule."

(10) "Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "H" as is more particularly set out in that Schedule."

(11) "Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "I" as is more particularly set out in that Schedule."

(12) An engineering overhead fee is ~~will be~~ imposed as set out in Administrative Order 15 Respecting License, Permit and Processing Fees, on Local Improvement Projects covered under this ~~By-Law~~ Bylaw.

(13) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "J" as is more particularly set out in that Schedule.

(14) Notwithstanding Subsection (1), a Local Improvement Charge is hereby imposed on those areas listed in Schedule "K".

(15) Notwithstanding Subsection (1), a uniform charge is hereby imposed on those areas listed in Schedule "L".

(16) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "M" as is more particularly set out in that Schedule.

(17) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "N" as is more particularly set out in that Schedule.

(18) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "O" as is more particularly set out in that Schedule.

(19) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "P" as is more particularly set out in that ~~s~~Schedule.

(20) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "Q" as is more particularly set out in that Schedule.

(21) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "U" as more particularly set out in that Schedule.

(22) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "V" as more particularly set out in that Schedule.

(23) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "W" as more particularly set out in that Schedule.

(24) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "X" as more particularly set out in that Schedule.

Lien

3. (1) A charge imposed pursuant to this Bylaw constitutes a lien on a subject property in the same manner and with the same effect as rates and taxes under the Assessment Act.

(2) A charge imposed pursuant to this Bylaw is collectable in the same manner as rates and taxes under the Assessment Act and at the option of the Treasurer is collectable at the same time and by the same proceedings as are rates and taxes.

(3) The lien provided for in this Bylaw shall become effective on the date on which the Engineer files with the Treasurer a certificate that the improvement has been completed.

(4) The lien provided for in this Bylaw shall remain in effect until the charge plus interest has been paid in full.

(5) **Repeal** ~~Where a property subject to a lien is subdivided, the amount of the charge plus interest then unpaid shall be apportioned among the new lots created including any residual land in the proportion that the value of each new lot including any residual land bears to the total market value of the lands subdivided including any residual lands.~~

~~The maximum amount of such allocation shall not exceed 80% of the current market value of the lots so created.~~

~~Market value lots so created must be confirmed by an accredited appraiser. Written confirmation shall be submitted to the Treasurer or his/her designate, in the prescribed form.~~

Interest

4. (1) **Repeal** ~~Interest shall accrue on charges outstanding from the date of billing forward at a rate equal to the prime rate of the Municipality's banker plus two percentage points on the date that notification of the local improvement project is issued.~~

(2) **Repeal** ~~The rate of interest to be applied to outstanding charges respecting any project billed between May 11, 1999 and the date that Bylaw L-106 becomes law shall be the original rate up to the date that Bylaw L-106 becomes law and thereafter shall be equal to the prime rate of the Municipality's banker plus two percentage points on the date that notification of the local improvement project was issued.~~

(3) **Interest shall accrue on charges outstanding:**

(a) **for the initial billing only, from sixty (60) days from the date of billing, and**

(b) **for any subsequent billing such as an installment pursuant to section 5 of this Bylaw, from thirty (30) days from the date of the subsequent bill,**

at a rate equal to the prime rate of the Municipality's banker plus two percentage points on the date that notification of the local improvement project is issued.

Installments

5. The amount payable may at the option of the owner of the property ~~may~~ be paid in equal annual installments over a period not exceeding ten years and in accordance with Administration Order 18, the *Revenue Collection Administrative Order*, the whole payment may become due and payable in case of default of payment ~~the whole balance becomes due and payable in case of default of payment of an installment.~~

Repeal

6. Bylaw Number 19, the Street Improvement Bylaw of the former Halifax County Municipality, and Bylaw Number 23230, the Local Street Improvement Bylaw of the former Town of Bedford are repealed.

Done and passed this 31st day of March, 1998.

Mayor

Municipal Clerk

SCHEDULE 1

	STREET NAME	START	END	DISTRICT
1	ALPINE DR	HIGH RD	END	1
2	ANDREA LORI DR	LAKEVIEW AVE	END	14
3	ARMENIA DR	ASTOUR DR	END	3
4	BLAIN ERIC DR	ANDREA LORI	CUL DE SAC	14
5	BRANDY CRT	HALFWAY LAKE	TURNING CIRCLE	13
6	CANAVAN DR	DANNY DR	END	14
7	CARRIE CRES	DANNY DR	CUL DE SAC	14
8	CASTLEWOOD DR	ARTHUR JOSEPH	CUL DE SAC	1
9	CHALAMONT DR	END OF PAVEMENT	END	13
10	CLEARY DR	COW BAY RD	END	3
11	CONFEDERATION AVE	SANDSTONE	GREENOCK	1
12	COPPERHEAD RD	WILSON	END	1
13	COX LAKE RD	YANKEETOWN	8M PAST LOT# 8	13
14	CREE ST	BRANDY	END OF PAVEMENT	13
15	DEERWOOD LN	GREBE	END	13
16	DEVILS HILL RD	RTE 253	TURNING CIRCLE	11
17	DOUGLAS DR	BEAVER BANK RD	END	14
18	DOVER CRT	NOTTINGHAM	END	13
19	ELMWOOD CRT	LAKECREST	CUL DE SAC	14
20	ESSO RD	HERRING COVE RD	END	11
21	EVANS DR	HALFWAY	END	13
22	FAULKNER DR	COW BAY RD	END	3
23	FERGUSONS COVE RD	END PAVEMENT Civic # 66	END PAVEMENT Civic # 197	11
24	FREDERICK DR	DYKE RD	END	3
25	GARDENERS WALK	END OF PAVEMENT	TURNING CIRCLE	14
26	GRANT LINE RD	HAMMOND PLAINS	END	13
27	HOLLAND RD	END OF PAVEMENT	END	1
28	JAMIE DR	KINSAC RD	END	14

	ROADNAME	START	END	DISTRICT
29	LAKEVIEW TERR	OLD MILL	END	13
30	LAURA DR	FREDERICKS	END	3
31	MAIN ST	NORTH ST	DARTMOUTH RD	16
32	MEMORY LANE	END OF PAVEMENT	END	15
33	NIVENS AVE	INDIA RD	END	6
34	NORMANS LANE	SHORE RD	TURNING CIRCLE	3
35	NORTHWOOD RD	END OF PAVEMENT	CUL DE SAC	13
36	OAKRIDGE DR	LINCOLN	MADISON	16
37	OLD ANNAPOLIS RD	POCKWOCK	BYBLOS RD	13
38	OLD MILL RD	KINGSWAY	START OF PAVEMENT	13
39	OLD SCOTT RD	ROCKY LAKE	ROCKY LAKE	1
40	ORION DR	COW BAY RD	END	3
41	PAUL DAVID DR	ANDREA LORI	CUL DE SAC	14
42	PROSPECTORS LOOP	MONTAGUE	MONTAGUE	1
43	RAINES MILL RD	TRUNK 3	TURNING CIRCLE	12
44	REINDEER AVE	CARIBOU	END	14
45	ROSLEY RD	END OF PAVEMENT	END	14
46	RYDEDALE CRT	CHRIS EVAN	CUL D'SAC	2
47	SAWLERS RD	OLD SCOTT	END	1
48	SETTLERS LANE	COBEQUID	COBEQUID	15
49	SHARONS PL	BROOM	END	4
50	SILVER CRT	SPRUCE	CUL D'SAC	3
51	SILVER LEAF DR	KINSAC	END	14
52	SILVERSIDE DR	ROLLING HILLS	CUL DE SAC	1
53	SOMERSET CRT	ARTHUR JOSEPH	CUL DE SAC	1
54	SPRUCE DR	DYKE RD	END	3
55	STATION RD	KINSAC	CNR PROPERTY	14
56	STILLWATER LAKE DRIV	HAMMOND PLAINS RD	HAMMOND PLAINS RD	13
57	SUCKER BROOK RD	COBEQUID RD	CUL DE SAC	15
58	SUNNYLEA RD	CIVIC 265	END	1

	ROADNAME	START	END	DISTRICT
59	SWAN CRES	CARMELLA	END	11
60	TALAHASSEE AVE	CLARENCE	END	3
61	TOPSAIL CRT	BLUEWATER	END	16
62	TRINITY LANE	END OF PAVEMENT	BEAVERBANK RD	14

**ATTACHMENT 2
(Amending Bylaw 444)**

**Halifax Regional Municipality
Bylaw Number S-444
Respecting Charges for Street Improvements**

BE IT ENACTED by the Council of the Halifax Regional Municipality that Bylaw S-400, the *Street Improvement Bylaw*, is further amended as follows:

1. Sections 1A, 1B and 1C are added after section 1 and before section 2 as follows:

Schedule 1 Streets

1A (1) A survey is not required for those streets listed in Schedule 1.

(2) If Council approves a street paving in the capital budget for a street listed in Schedule 1, the amount of the charge to be paid by the owners of the property abutting the street shall include:

- (a) thirty-three and one-third percent (33.33%) of the actual cost of the street paving project; and
- (b) an engineering overhead fee pursuant to subsection 12(2) and the bridging financing fee pursuant to the *Financial Policy Respecting on Interest for Bridge Financing for Capital Projects*.

Other Streets

1B (1) A survey is required before Council considers proceeding with a street paving project for a provincially owned street if such project will result in a charge being imposed pursuant to this Bylaw.

(2) If a survey is required, a survey shall be provided to the owners of the property:

- (a) that abut the street of a proposed street paving; or
- (b) if subsection 2(3B) applies, that will benefit from a proposed street paving.

(3) If the petition of the abutters has occurred and subsection 2(3B) is considered, a survey may be provided to those owners of property that are benefiting from, but not abutting on, the street.

(4) A survey that is returned to the Municipality on or before the date stated in the survey, shall be counted for the purposes of determining the level of support for the street paving.

(5) The level of support from the owners who returned the survey and voted in favour of the street paving project shall be calculated as a percentage of the total frontage of the owners of the properties who returned the surveys pursuant to subsection 4 of this section and this calculation shall be provided to Council.

(6) Council will consider the results provided to it in pursuant to subsection 5 as one of the factors in deciding whether the street paving project will proceed, including considering:

- (a) whether or not the street paving project was approved by the owners of the properties who collectively own at least 50 percent (50%) of the total frontage; and
- (b) if the owners who do not abut the street have voted against the project, whether the owners that abut the street have voted in favour of such project.

(7) If Council approves a street paving in the capital budget, the amount of the charge to be paid by the owners of the property abutting the street, or the owners of the property abutting the street and benefiting from the paving project, shall include

(a) fifty percent (50%) of the actual cost of the street paving project; and

(b) the bridging financing fee pursuant to the *Financial Policy Respecting on Interest for Bridge Financing for Capital Projects*

2. Section 2 is amended by:

- (a) by striking out the commas and words “ , sidewalk, curb and gutter” after the word “paving” and before the word “or” in subsection 1;
- (b) striking out the words and numbers “subsection (1) or (2)” after the word “under” and before the word “may” in subsection 3;
- (c) adding the words “this Bylaw” after the word “under” and before the word “may” in subsection 3;
- (d) striking out the word “Council” after the word “by” and before the words “in the” in subsection 3;
- (e) adding the words “the Municipality” after the word “by” and before the words “in the” in subsection 3;
- (f) striking out the words, commas and period “and for subsequent projects shall be zero, provided however, if the property abuts a street directly opposite the street on which the property has its civic address, the property shall not be charged for a project on that street nor shall that frontage and street be included in the calculation for a project on another street.” after the word “abuts” and before clause b, in clause a of subsection 3;
- (g) adding the words “by the length that such barriers front the street, including reducing the frontage” after the word “reduced” and before words “to zero” in clause b of subsection 3;
- (h) adding the words and commas “unless the frontage is zero pursuant to clause b of this subsection,” at the beginning of clause c of subsection 3;
- (i) striking out the period at the end of clauses b, c, and f of subsection 3;
- (j) adding a semi-colon at the end of clauses a, b, c, and f of subsection 3;
- (k) repealing clauses d and e;
- (l) de-capitalizing the word “Street” in clause f of subsection 3;
- (m) adding clauses g and h of subsection 3 after clause f and before subsection 4 as follows:

(g) if an easement granted to Nova Scotia Power Incorporated for the transmission of electricity via transmission towers runs perpendicular to a property that

fronts on a street, the width of such easement is deducted from the total frontage of that property; and

(h) where a property abuts more than one street and a charge has already been imposed on the property for chipsealing one of those streets, the amount of the charge for the subsequent paving of another one of those streets may be reduced by the amount already imposed for the chipsealing.

(n) adding subsections 3A and 3B after subsection 3 and before subsection 4 as follows:

(3A) The frontage of lands abutting a street owned by the Municipality or Her Majesty in Right of Canada or in Right of the Province of Nova Scotia shall be exempt from this Bylaw and shall be excluded from the calculation of the total frontage for the purposes of determining the amount of and imposing a charge pursuant to this Bylaw.

(3B) If Council determines that a street paving project benefits an area, a per property charge may be imposed on all the properties located in the area that are benefiting from the street paving project, including those properties that are abutting on the street that was paved.

(o) capitalizing the word “schedule” after the word “that” and before the period in subsections 5 and 19;

(p) striking out the quotation mark before the word “Notwithstanding” in subsections 6, 7, 8, 9, 10 and 11;

(q) striking out the quotation mark after the word “Schedule” in subsections 6, 7, 8, 9, 10 and 11;

(r) striking out the words “will be” after the words “fee is” and before the word “imposed” in subsection 12;

(s) striking out the word “By-law” after the word this “this” and before the period in subsection 12;

(t) adding the word “Bylaw” after the word this “this” and before the period in subsection 12;

(u) adding a period at the end of subsections 14 and 15;

(v) adding a quotation mark before and after the letter “U” in subsection 21;

(w) adding a quotation mark before and after the letter “V” in subsection 22;

(x) adding a quotation mark before and after the letter “W” in subsection 23; and

(y) adding a quotation mark before and after the letter “X” in subsection 24.

3. Subsection 5 of section 3 is repealed.

4. Section 4 is amended by:

- (a) repealing subsections 1 and 2;
- (b) adding subsection 3 after the repealed subsection 2 and before section 5 as follows:

(3) Interest shall accrue on charges outstanding:

- (a) for the initial billing only, from sixty (60) days from the date of billing, and
- (b) for any subsequent billing such as an installment pursuant to section 5 of this Bylaw, from thirty (30) days from the date of the subsequent bill,

at a rate equal to the prime rate of the Municipality's banker plus two percentage points on the date that notification of the local improvement project is issued.

5. Section 5 is amended by:

- (a) striking out the word "may" after the word "property" and before the word "be";
- (b) striking out the words "the whole balance becomes due and payable in case of default of payment of an installment" at the end of the section before the period; and
- (c) adding the words and commas "in accordance with Administration Order 18, the *Revenue Collection Administrative Order*, the whole payment may become due and payable in case of default of payment" after the words "years and" and before the period.

6. The words "Done and passed this 31st day of March, 1998" and the following signature lines

Mayor

Municipal Clerk

are added after the newly added section 7 and before the Schedules.

7. Schedule 1, as attached to this amending Bylaw, is added after the newly added section 7 and the words "Municipal Clerk" and before Schedule A.

Done and passed this day of , 2017.

Mayor

Municipal Clerk

SCHEDULE 1 OF BYLAW S-444

SCHEDULE 1

	STREET NAME	START	END	DISTRICT
1	ALPINE DR	HIGH RD	END	1
2	ANDREA LORI DR	LAKEVIEW AVE	END	14
3	ARMENIA DR	ASTOUR DR	END	3
4	BLAIN ERIC DR	ANDREA LORI	CUL DE SAC	14
5	BRANDY CRT	HALFWAY LAKE	TURNING CIRCLE	13
6	CANAVAN DR	DANNY DR	END	14
7	CARRIE CRES	DANNY DR	CUL DE SAC	14
8	CASTLEWOOD DR	ARTHUR JOSEPH	CUL DE SAC	1
9	CHALAMONT DR	END OF PAVEMENT	END	13
10	CLEARY DR	COW BAY RD	END	3
11	CONFEDERATION AVE	SANDSTONE	GREENOCK	1
12	COPPERHEAD RD	WILSON	END	1
13	COX LAKE RD	YANKEETOWN	8M PAST LOT# 8	13
14	CREE ST	BRANDY	END OF PAVEMENT	13
15	DEERWOOD LN	GREBE	END	13
16	DEVILS HILL RD	RTE 253	TURNING CIRCLE	11
17	DOUGLAS DR	BEAVER BANK RD	END	14
18	DOVER CRT	NOTTINGHAM	END	13
19	ELMWOOD CRT	LAKECREST	CUL DE SAC	14
20	ESSO RD	HERRING COVE RD	END	11
21	EVANS DR	HALFWAY	END	13
22	FAULKNER DR	COW BAY RD	END	3
23	FERGUSONS COVE RD	END PAVEMENT Civic # 66	END PAVEMENT Civic # 197	11
24	FREDERICK DR	DYKE RD	END	3
25	GARDENERS WALK	END OF PAVEMENT	TURNING CIRCLE	14
26	GRANT LINE RD	HAMMOND PLAINS	END	13
27	HOLLAND RD	END OF PAVEMENT	END	1
28	JAMIE DR	KINSAC RD	END	14

	ROADNAME	START	END	DISTRICT
29	LAKEVIEW TERR	OLD MILL	END	13
30	LAURA DR	FREDERICKS	END	3
31	MAIN ST	NORTH ST	DARTMOUTH RD	16
32	MEMORY LANE	END OF PAVEMENT	END	15
33	NIVENS AVE	INDIA RD	END	6
34	NORMANS LANE	SHORE RD	TURNING CIRCLE	3
35	NORTHWOOD RD	END OF PAVEMENT	CUL DE SAC	13
36	OAKRIDGE DR	LINCOLN	MADISON	16
37	OLD ANNAPOLIS RD	POCKWOCK	BYBLOS RD	13
38	OLD MILL RD	KINGSWAY	START OF PAVEMENT	13
39	OLD SCOTT RD	ROCKY LAKE	ROCKY LAKE	1
40	ORION DR	COW BAY RD	END	3
41	PAUL DAVID DR	ANDREA LORI	CUL DE SAC	14
42	PROSPECTORS LOOP	MONTAGUE	MONTAGUE	1
43	RAINES MILL RD	TRUNK 3	TURNING CIRCLE	12
44	REINDEER AVE	CARIBOU	END	14
45	ROSLEY RD	END OF PAVEMENT	END	14
46	RYDEDALE CRT	CHRIS EVAN	CUL D'SAC	2
47	SAWLERS RD	OLD SCOTT	END	1
48	SETTLERS LANE	COBEQUID	COBEQUID	15
49	SHARONS PL	BROOM	END	4
50	SILVER CRT	SPRUCE	CUL D'SAC	3
51	SILVER LEAF DR	KINSAC	END	14
52	SILVERSIDE DR	ROLLING HILLS	CUL DE SAC	1
53	SOMERSET CRT	ARTHUR JOSEPH	CUL DE SAC	1
54	SPRUCE DR	DYKE RD	END	3
55	STATION RD	KINSAC	CNR PROPERTY	14
56	STILLWATER LAKE DRIV	HAMMOND PLAINS RD	HAMMOND PLAINS RD	13
57	SUCKER BROOK RD	COBEQUID RD	CUL DE SAC	15
58	SUNNYLEA RD	CIVIC 265	END	1

	ROADNAME	START	END	DISTRICT
59	SWAN CRES	CARMELLA	END	11
60	TALAHASSEE AVE	CLARENCE	END	3
61	TOPSAIL CRT	BLUEWATER	END	16
62	TRINITY LANE	END OF PAVEMENT	BEAVERBANK RD	14

ATTACHMENT 3

(Incorporating Proposed Changes to S-400)

Halifax Regional Municipality Bylaw Number S-400 Respecting Charges for Street Improvements

Be It Enacted by the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Bylaw shall be known as Bylaw S-400 and may be cited as the "Street Improvement Bylaw".

Schedule 1 Streets

1A (1) A survey is not required for those streets listed in Schedule 1.

(2) If Council approves a street paving in the capital budget for a street listed in Schedule 1, the amount of the charge to be paid by the owners of the property abutting the street shall include:

(a) thirty-three and one-third percent (33.33%) of the actual cost of the street paving project; and

(b) an engineering overhead fee pursuant to subsection 12(2) and the bridging financing fee pursuant to the *Financial Policy Respecting on Interest for Bridge Financing for Capital Projects*.

Other Streets

1B (1) A survey is required before Council considers proceeding with a street paving project for a provincially owned street if such project will result in a charge being imposed pursuant to this Bylaw.

(2) If a survey is required, a survey shall be provided to the owners of the property:

(a) that abut the street of a proposed street paving; or

(b) if subsection 2(3B) applies, that will benefit from a proposed street paving.

(3) If the petition of the abutters has occurred and subsection 2(3B) is considered, a survey may be provided to those owners of property that are benefiting from, but not abutting on, the street.

(4) A survey that is returned to the Municipality on or before the date stated in the survey, shall be counted for the purposes of determining the level of support for the street paving.

(5) The level of support from the owners who returned the survey and voted in favour of the street paving project shall be calculated as a percentage of the total frontage of the owners of the properties who returned the surveys pursuant to subsection 4 of this section and this calculation shall be provided to Council.

(6) Council will consider the results provided to it in pursuant to subsection 5 as one of the factors in deciding whether the street paving project will proceed, including considering:

(a) whether or not the street paving project was approved by the owners of the properties who collectively own at least 50 percent (50%) of the total frontage; and

(b) if the owners who do not abut the street have voted against the project, whether the owners that abut the street have voted in favour of such project.

(7) If Council approves a street paving in the capital budget, the amount of the charge to be paid

by the owners of the property abutting the street, or the owners of the property abutting the street and benefiting from the paving project, shall include

- (a) fifty percent (50%) of the actual cost of the street paving project; and
- (b) the bridging financing fee pursuant to the *Financial Policy Respecting on Interest for Bridge Financing for Capital Projects*

Charge Imposed

2. (1) Where Council undertakes a project to install on a street paving or chip sealing, there shall be imposed a charge on persons owning property which abuts either side of the street as more particularly described in Schedule "A".

(2) A charge pursuant to subsection (1) is hereby imposed on all projects approved by Halifax Regional Council from April 1, 1996 to the date this bylaw becomes effective.

(3) Charges imposed under this Bylaw may be adjusted by the Municipality in the following circumstances:

(a) where a property abuts more than one street, the charge for the project undertaken on the first street shall be based on the total frontage of the property on all streets divided by the number of streets on which the property abuts;

(b) where due to physical barriers it is not practical to gain access from a property to a street on which a project is undertaken, the charge may be reduced by the length that such barriers front the street, including reducing the frontage to zero;

(c) unless the frontage is zero pursuant to clause b of this subsection, the minimum deemed frontage for any property shall be 30 feet;

(d) Repealed.

(e) Repealed.

(f) where a property abuts more than one street, and where one street has already been paved, there shall not be any further charges on subsequent paving of the other streets;

(g) if an easement granted to Nova Scotia Power Incorporated for the transmission of electricity via transmission towers runs perpendicular to a property that fronts on a street, the width of such easement is deducted from the total frontage of that property; and

(h) where a property abuts more than one street and a charge has already been imposed on the property for chipsealing one of those streets, the amount of the charge for the subsequent paving of another one of those streets may be reduced by the amount already imposed for the chipsealing.

(3A) The frontage of lands abutting a street owned by the Municipality or Her Majesty in Right of Canada or in Right of the Province of Nova Scotia shall be exempt from this Bylaw and shall be excluded from the calculation of the total frontage for the purposes of determining the amount of and imposing a charge pursuant to this Bylaw.

(3B) If Council determines that a street paving project benefits an area, a per property charge may be imposed on all the properties located in the area that are benefiting from the street paving project, including those properties that are abutting on the street that was paved.

(4) Notwithstanding subsections (1), (2) and (3) of Section 2, a charge is hereby imposed in those areas listed in Schedule "B" on a pro rata basis on each property assessed in each respective area in an amount sufficient to recover the cost of each project as is more particularly set out in Schedule "B".

(5) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "C" attached hereto as is more particularly set out in that Schedule.

(6) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "D" attached hereto, as is more particularly set out in that Schedule.

(7) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "EA" as is more particularly set out in that Schedule.

(8) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "F" as is more particularly set out in that Schedule.

(9) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "G" attached hereto as is more particularly set out in that Schedule.

(10) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "H" as is more particularly set out in that Schedule.

(11) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "I" as is more particularly set out in that Schedule.

(12) An engineering overhead fee is imposed as set out in Administrative Order 15 Respecting License, Permit and Processing Fees, on Local Improvement Projects covered under this Bylaw.

(13) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "J" as is more particularly set out in that Schedule.

(14) Notwithstanding Subsection (1), a Local Improvement Charge is hereby imposed on those areas listed in Schedule "K".

(15) Notwithstanding Subsection (1), a uniform charge is hereby imposed on those areas listed in Schedule "L".

(16) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "M" as is more particularly set out in that Schedule.

(17) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "N" as is more particularly set out in that Schedule.

(18) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "O" as is more particularly set out in that Schedule.

(19) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "P" as is more particularly set out in that Schedule.

(20) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "Q" as is more particularly set out in that Schedule.

(21) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "U" as more particularly set out in that Schedule.

(22) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "V" as more particularly set out in that Schedule.

(23) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "W" as more particularly set out in that Schedule.

(24) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule "X" as more particularly set out in that Schedule.

Lien

3. (1) A charge imposed pursuant to this Bylaw constitutes a lien on a subject property in the same manner and with the same effect as rates and taxes under the Assessment Act.

(2) A charge imposed pursuant to this Bylaw is collectable in the same manner as rates and taxes under the Assessment Act and at the option of the Treasurer is collectable at the same time and by the same proceedings as are rates and taxes.

(3) The lien provided for in this Bylaw shall become effective on the date on which the Engineer files with the Treasurer a certificate that the improvement has been completed.

(4) The lien provided for in this Bylaw shall remain in effect until the charge plus interest has been paid in full.

(5) Repealed.

Interest

4. (1) Repealed.

(2) Repealed.

(3) Interest shall accrue on charges outstanding:

(a) for the initial billing only, from sixty (60) days from the date of billing, and

(b) for any subsequent billing such as an installment pursuant to section 5 of this Bylaw, from thirty (30) days from the date of the subsequent bill,

at a rate equal to the prime rate of the Municipality's banker plus two percentage points on the date that notification of the local improvement project is issued.

Installments

5. The amount payable may at the option of the owner of the property be paid in equal annual installments over a period not exceeding ten years and in accordance with Administration Order 18, the *Revenue Collection Administrative Order*, the whole payment may become due and payable in case of default of payment.

Repeal

6. Bylaw Number 19, the Street Improvement Bylaw of the former Halifax County Municipality, and Bylaw Number 23230, the Local Street Improvement Bylaw of the former Town of Bedford are repealed.

7. The Local Improvement Policy adopted by Council on April 29, 1997, and any amendments thereto, is repealed.

Done and passed this 31st day of March, 1998.

Mayor

Municipal Clerk

SCHEDULE 1

	STREET NAME	START	END	DISTRICT
1	ALPINE DR	HIGH RD	END	1
2	ANDREA LORI DR	LAKEVIEW AVE	END	14
3	ARMENIA DR	ASTOUR DR	END	3
4	BLAIN ERIC DR	ANDREA LORI	CUL DE SAC	14
5	BRANDY CRT	HALFWAY LAKE	TURNING CIRCLE	13
6	CANAVAN DR	DANNY DR	END	14
7	CARRIE CRES	DANNY DR	CUL DE SAC	14
8	CASTLEWOOD DR	ARTHUR JOSEPH	CUL DE SAC	1
9	CHALAMONT DR	END OF PAVEMENT	END	13
10	CLEARY DR	COW BAY RD	END	3
11	CONFEDERATION AVE	SANDSTONE	GREENOCK	1
12	COPPERHEAD RD	WILSON	END	1
13	COX LAKE RD	YANKEETOWN	8M PAST LOT# 8	13
14	CREE ST	BRANDY	END OF PAVEMENT	13
15	DEERWOOD LN	GREBE	END	13
16	DEVILS HILL RD	RTE 253	TURNING CIRCLE	11
17	DOUGLAS DR	BEAVER BANK RD	END	14
18	DOVER CRT	NOTTINGHAM	END	13
19	ELMWOOD CRT	LAKECREST	CUL DE SAC	14
20	ESSO RD	HERRING COVE RD	END	11
21	EVANS DR	HALFWAY	END	13
22	FAULKNER DR	COW BAY RD	END	3
23	FERGUSONS COVE RD	END PAVEMENT Civic # 66	END PAVEMENT Civic # 197	11
24	FREDERICK DR	DYKE RD	END	3
25	GARDENERS WALK	END OF PAVEMENT	TURNING CIRCLE	14
26	GRANT LINE RD	HAMMOND PLAINS	END	13
27	HOLLAND RD	END OF PAVEMENT	END	1
28	JAMIE DR	KINSAC RD	END	14

	ROADNAME	START	END	DISTRICT
29	LAKEVIEW TERR	OLD MILL	END	13
30	LAURA DR	FREDERICKS	END	3
31	MAIN ST	NORTH ST	DARTMOUTH RD	16
32	MEMORY LANE	END OF PAVEMENT	END	15
33	NIVENS AVE	INDIA RD	END	6
34	NORMANS LANE	SHORE RD	TURNING CIRCLE	3
35	NORTHWOOD RD	END OF PAVEMENT	CUL DE SAC	13
36	OAKRIDGE DR	LINCOLN	MADISON	16
37	OLD ANNAPOLIS RD	POCKWOCK	BYBLOS RD	13
38	OLD MILL RD	KINGSWAY	START OF PAVEMENT	13
39	OLD SCOTT RD	ROCKY LAKE	ROCKY LAKE	1
40	ORION DR	COW BAY RD	END	3
41	PAUL DAVID DR	ANDREA LORI	CUL DE SAC	14
42	PROSPECTORS LOOP	MONTAGUE	MONTAGUE	1
43	RAINES MILL RD	TRUNK 3	TURNING CIRCLE	12
44	REINDEER AVE	CARIBOU	END	14
45	ROSLEY RD	END OF PAVEMENT	END	14
46	RYDEDALE CRT	CHRIS EVAN	CUL D'SAC	2
47	SAWLERS RD	OLD SCOTT	END	1
48	SETTLERS LANE	COBEQUID	COBEQUID	15
49	SHARONS PL	BROOM	END	4
50	SILVER CRT	SPRUCE	CUL D'SAC	3
51	SILVER LEAF DR	KINSAC	END	14
52	SILVERSIDE DR	ROLLING HILLS	CUL DE SAC	1
53	SOMERSET CRT	ARTHUR JOSEPH	CUL DE SAC	1
54	SPRUCE DR	DYKE RD	END	3
55	STATION RD	KINSAC	CNR PROPERTY	14
56	STILLWATER LAKE DRIV	HAMMOND PLAINS RD	HAMMOND PLAINS RD	13
57	SUCKER BROOK RD	COBEQUID RD	CUL DE SAC	15
58	SUNNYLEA RD	CIVIC 265	END	1

	ROADNAME	START	END	DISTRICT
59	SWAN CRES	CARMELLA	END	11
60	TALAHASSEE AVE	CLARENCE	END	3
61	TOPSAIL CRT	BLUEWATER	END	16
62	TRINITY LANE	END OF PAVEMENT	BEAVERBANK RD	14

Halifax Regional Council
Tuesday, April 29, 1997

STAFF REPORT

As of April 1, 1996, the Halifax Regional Municipality (HRM) required a policy for local improvements. The following recommendation and proposed policy, if approved, will supersede the present application of former or interim local improvement policies and procedures.

To approve the attached Local Improvement Policy effective beginning in the fiscal year 1997/98.

BACKGROUND

The former municipal units had policies and levies for local improvement charges ranging from inclusion in the general tax rate, to a percentage of standard costs apportioned based on property frontage or actual costs apportioned using property assessment values. Refer to Appendix 1 for details of Local Improvement Policies of the former municipal units.

LOCAL IMPROVEMENT POLICY

Halifax Regional Municipality Act

The Halifax Regional Municipality Act Section 117(1)(c) provides for the creation of by-laws for local improvement charges to recover all or part of the cost of constructing, repairing, improving and maintaining streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls. Section 117(2) further clarifies that the local improvement charges can be charged based on proportion of frontage, area, assessment of the properties fronting on the street or by some other method formulated to fairly proportion the charges.

Cost of Local Improvements: Actual vs. Standard Costing

It is recommended standard costs be charged for local improvement projects. This allows for a more customer-orientated approach, enabling HRM to advise each affected property owner, in advance, of the total cost prior to approval. When actual costs are used, the local improvement charge is dependent and known only when the project is completed. The use of standard costing for new sewer installations is not practical because costs vary significantly on a project to project basis. It is therefore recommended actual costs be charged for new sewer installations in HRM.

Municipal Cost Sharing

The proposed policy assumes that the Province of Nova Scotia's Department of Transportation and Communication (DOTC) responsibilities still apply outside the Core Area. All local improvement projects (excluding new sewer installations) which fall outside the Core Area will require DOTC approval and funding. If the DOTC does not approve of the project then the ratepayers will be responsible for 100% of the project funding.

Local improvement projects are considered to provide a greater benefit (enhancement) to a select group of taxpayers as opposed to providing a benefit to all taxpayers. As a result, it is considered fair to charge this select group more of the cost of the project and not spread it equally across the general tax base. There may be, however, some residual benefit of the local improvement to all taxpayers. It may also be financially prohibitive to initially offer the improvements without some assistance from the general tax base.

For the Core Area, it is proposed the municipality contribute 50% of the cost towards all local improvement projects. The remaining 50% would be funded by the property

owners deemed to benefit directly from the local improvement. **Outside the Core Area, HRM project cost sharing would be offered only for new sewer installations.** Cost sharing for paving, sidewalk and curb and gutter projects would have to be applied for through the DOTC. Services funded by area rates are not included in the general rate and therefore there is no municipal cost sharing for local improvements funded by area rates.

Cost Allocation : Assessment Value vs. Property Frontage

It is recommended the cost of local improvements be charged based on frontage to the area deemed to benefit, which in most cases, will be the abutters of the property who share the benefit of this local improvement. This provides a logical method to allocate the construction cost based on the number of lineal feet in the local improvement project.

Where the local improvement, such as a sidewalk, is positioned on one side of a street there is a benefit to both sides of a street and therefore it is recommended the cost be shared. It is also proposed, that the benefit on both the receiving and opposite side of the street is equal. Therefore, **the proposed standard rate to be applied per lineal foot would be equal for both the receiving and the opposite side of the street for sidewalks.**

In cases where the benefit extends beyond the property abutters, and is considered by Council to be reasonably shared by all in a designated area, the cost may be allocated on the basis of the assessment or per lot charge to all properties in the designated area.

Project Approval

This report proposes two levels of project approval with respect to local improvements namely, Council and the affected property owners. **This report recommends approval from property owners receiving the local improvement, who collectively own a minimum of 50% of the total frontage, be required prior to a project going to tender.** Council may initiate or proceed with a project without this approval, if Council determines it is required based on consideration of HRM's best interests and the local improvement charges will still apply.

Payment of Local Improvement Charges

According to Section 117 of the Halifax Regional Municipality Act, the total project repayment may be either as one lump sum upon project completion, or over a period not to exceed twenty years, with interest on the outstanding principal amount. **It is recommended payment terms be extended beyond the ten year period only in unusual circumstances such as the project size, cost and the abutter's financial position.** These charges also become a lien on the property and are collectible in the same manner, and time, as other charges under the Assessment Act. Current interest rates are at prime, plus 4%.

FINANCIAL CONSIDERATIONS

ESTIMATED ANNUAL FINANCIAL IMPACT PER RESIDENTIAL LOT

LIP Project Type	Estimated Standard Charge Per Lot 60x100
New Paving Each Side	\$2,000
New Curb & Gutter Installed on Each side*	\$1,000
New Sidewalk- Installed on Each Side	\$1,500

- * For example, assume a total standard project cost of \$10,000 for a Curb & Gutter on both sides of a street. This street has ten houses with equal frontage on the street with five on each side. This results in a per lot charge of $\$10,000/10=\$1,000$.

ALTERNATIVES

- ▶ Local improvement charges could be applied based on actual costs.
- ▶ HRM Cost Sharing alternatives to 50% could be selected.
- ▶ Sidewalks could be alternatively applied at 2/3 or 100% to the receiving side based on the assumption property values increase as a result of the sidewalk.
- ▶ Local improvement costs may be allocated on the basis of assessment to all properties which are deemed to benefit from the local improvement.
- ▶ Local improvement projects outside of the Core Area would be subject to the same cost sharing as those inside, with funding received from the DOTC to reduce HRM's funding.
- ▶ Include local improvement charges in the general tax rate.

Further information regarding the contents of this report may be obtained by contacting: Marlene Morrison, CA, Manager of Financial Planning at 490-6490; Kulvinder Dhillon, P.Eng., Director of Engineering at 490-4855; Ron Singer, Director of Finance at 490-6488; For additional copies or for information on the report's status, please contact the Office of the Municipal Clerk at 490-4234 or 490-4208 (fax).

APPENDIX 1
Proposed HRM and Former Municipalities' Local Improvement Policy
Summary Table

Local Improvement Project	Municipal Share	Abutters' Share	Type of Costing	Basis for Charging
New Paving				
HRM (Proposed)	50%	50%	Standard	Frontage
Halifax	33%	67%	Standard	Frontage
Dartmouth	100%	0%	Actual	N/A
County **	N/A	50%	Actual	Frontage
Bedford	33%	67%	Actual	Frontage
New Sidewalk				
HRM (Proposed)	50%	50%	Standard	Frontage
Halifax*	75%	25%	Standard	Frontage
Dartmouth	100%	0%	Actual	N/A
County **	N/A	30%	Actual	Area Rate
Bedford	33%	67%	Actual	Frontage
New Curb & Gutter				
HRM (Proposed)	50%	50%	Standard	Frontage
Halifax*	75%	25%	Standard	Frontage
Dartmouth	100%	0%	Actual	N/A
County **	N/A	30%	Actual	Area Rate
Bedford	33%	67%	Actual	Frontage
Sewer				
HRM (Proposed)	50%	50%	Actual	Frontage
Halifax	50%	50%	Actual	Frontage
Dartmouth	Remainder	\$1,500/lot	Standard	Per Lot
County	60%	40%	Actual	Area Rate
Bedford	33%	67%	Actual	Frontage

* In the former City of Halifax, Sidewalks and Curb and Gutter located on only one side of the street were cost shared by abutters on both sides of the street - the receiving side 2/3 and the opposite side 1/3.

** In the former Halifax County Municipality, prior to April 1, 1995, the Department of Transportation was responsible for Paving, Sidewalks and Curb and Gutter installations. Because of this relationship, ratepayers paid the unfunded balance through either a frontage charge or an area rate which was administered by the Municipality on behalf of the province.

By-Law Implementation Table

PURPOSE The purpose of this Business Plan is to document the development and approval process of a new or amended by-law prior to its effective date.

	Implementation Activities	Activity Description	Accountability Staff Name / Dept. / Div.	Phone / Fax
	<i>This column identifies the possible activities that should be considered before implementing a by-law.</i>	<i>This column should be filled out by the staff member who is responsible for implementing the by-law. The outline should give the reader a basic understanding of how the by-law or policy will be implemented and sustained.</i>	<i>This column identifies the staff member(s) responsible for each activity and their department & division.</i>	<i>Record the staff members' telephone and fax number here.</i>
1.	By-Law Number & Name	<i>By-Law Number S-411, Respecting Charges for Street Improvements</i>	n/a	n/a
2.	By-law Contact/ Development Coordinator		Rick Paynter, P.Eng., Public Works & Transportation Services - Design & Construction Services	490-4845 490-4858
3.	Target Market	<i>This By-Law will enable HRM to recover Local Improvement Charges for Street Improvements.</i>	n/a	n/a
4.	Key Stakeholders - Internal	<i>Public Works and Transportation Services, Legal Services</i>		
5.	Key Stakeholders - External	<i>All Councillors</i>		
6.	Related By-laws	<i>By-Law Number S-400</i>		
7.	Revenue Stream	<i>LJC recovery in the same manner as taxes under the Assessment Act. The charges imposed will be collected as Operating Revenue.</i>		
8.	Expenditures	<i>No additional expenditures required other than staff's time in the Tax Collection Department.</i>		
9.	Other Information			

Approval Date: _____
Indicate date on which Council approved the by-law or policy.

Effective Date: _____
Indicate date the by-law or policy goes into effect (date of advertisement unless otherwise specified)

New or Amended: Amendment to By-Law Number S-400
Indicate whether this by-law or policy is new or an amendment to one currently in place.

Attachment 5
(Local Improvement Policy)

ADMINISTRATIVE ORDER 2017-007-ADM
RESPECTING LOCAL IMPROVEMENT CHARGES FOR SEWERS

Short Title

1. This Administrative Order may be cited as *The Local Improvement Policy*.

Purpose

2. The purpose of this Administrative Order is to set out the process to determine the level of support for a sewer project.

Application

3. This Administrative Order applies to sewer projects.

Project Approval

4. A survey is required before Council considers proceeding with a project.
5. A survey will be provided to the owners of the property that the Municipality considers
 - (a) will benefit from the proposed project; and
 - (b) will abut the proposed project.
6. A survey that is returned to the Municipality on or before the date stated in the survey will be counted for the purposes of determining the level of support for the project.
7. Council may proceed with a project if:
 - (a) the project is approved by the owners of the properties who collectively own at least 50 percent (50%) of the total frontage; or
 - (b) Council determines the project is in the best interest of the Municipality.
8. If Council approves a project, a charge will be imposed on those properties that abut and benefit from the project.
9. The amount of the charge will include fifty percent (50%) of the actual cost of the project.
10. A by-law imposing a lien for the project may provide for a period of up to ten (10) years to repay the charge, with interest on the outstanding principal amount.
11. Unless Council determines otherwise, the charge will be as follows:
 - (a) abutters will be charged based on frontage; and
 - (b) any other property receiving a benefit from the project will be charged based on assessed value or a flat charge per property.
12. The Local Improvement Policy adopted by Council on April 29, 1997, and any amendments thereto, is repealed.

Done and passed in Council this day of A.D. 2017.

Mayor

Municipal Clerk