

**THE MUNICIPALITY OF  
THE DISTRICT OF BARRINGTON**

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**LOCAL IMPROVEMENT BY-LAW  
BY-LAW NO. 33**

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1. This By-Law shall be known as and may be cited as the “Local Improvement By-Law”.
2. **IN THIS BY-LAW:**
  - (1) “Local Improvement” means laying out, constructing or improving streets, curbs, sidewalks, gutters, driveways, ramps, culverts, catchbasins, catchbasin leads and sewers within a public right of way;
  - (2) “Public right of way” means a parcel of land owned by the Province of Nova Scotia or the Municipality of the District of Barrington used or intended to be used for road or utilities purposes;
  - (3) “Public Road” means a road or street owned and maintained by the Province of Nova Scotia or the Municipality of the District of Barrington.
  - (4) “Frontage” means the linear measurement of a lot which abuts that portion of a public right of way on or in which a local improvement is constructed or proposed;
  - (5) “Lot” means a parcel of real property which has frontage abutting a public right of way;
  - (6) “Municipality” means the Municipality of the District of Barrington; and
  - (7) “Owner” means a person who holds the legal title to the whole or any part of a lot abutting a public right of way on which a local improvement is proposed and for the purpose of this By-Law shall *prima facie* be a person whose name appears on the most recent assessment role as being an owner of a lot which has frontage abutting a public right of way, in the location where a local improvement is proposed.

3. (1) Any lot owner who desires to have the Municipality construct a local improvement within or on a public right of way abutting the owner's lot may request so, by petition filed with the Clerk signed by owners who together own more than 50% of the frontage abutting the public right of way in the location where the proposed local improvement is to be constructed, which petition shall:
    - (a) State the full name, address and tax account number of each subscriber; and
    - (b) State that each of the subscribers agree in principal to participate in the cost of the construction of the proposed local improvement.
  - (2) Upon receipt of a petition filed in accordance with Section 3(1), the Municipality shall obtain estimates of the costs to carry out the proposed local improvement.
  - (3) Upon receipt by the Municipality of the cost estimates of the proposed local improvement, notice shall be served on the owners of every lot with frontage abutting the public right of way in the location where the local improvement is proposed, which notice shall state the nature of the proposed work, the total estimated costs and the estimated costs to each owner, together with a request that each owner inform the Municipality in writing within Twenty (20) days of the date of the notice whether they are in favor of or against the proposal local improvement.
  - (4) The notice may be served on the owner by registered mail, personally or by posting it in a conspicuous place on the owner's lot.
  - (5) Owners who do not respond in favor of or against the proposed local improvement within Twenty (20) days of the date of notice shall be deemed to be opposed to the proposed local improvement.
4. (1) Where it appears that lot owners who together own more than 50% of the frontage abutting the public right of way in the location where the proposed local improvement is to be constructed are in favor of the proposed local improvement, the Municipality may cause the proposed local improvement to be constructed.
  - (2) The Municipality may recover the net cost of the local improvement by levying a local improvement charge upon the owners of the lots which have frontage abutting the public right of way in the location where the local improvement has been constructed which local improvement charge shall be calculated as follows:

- (a) The Municipality's net cost shall be the actual total cost to the Municipality to construct the local improvement minus any financial grants received by the Municipality from the Federal, Provincial, or Municipal governments with respect to the construction of the proposed local improvement; and
  - (b) The local improvement charge assessed against each lot shall be determined by establishing the net cost to the Municipality of the construction of the local improvement, divided by the total frontage of all lots abutting the public right of way in the location where the local improvement was constructed, multiplied by the frontage of the lot in question.
  - (c) The local improvement charge may be assessed in a manner agreed to by the majority of property owners abutting the public right of way in the location where the local improvement is being constructed and approved by Council.
- (3) A local improvement charge assessed against a lot in accordance with this By-Law shall be payable by ten equal annual payments, or such lesser number of annual payments as may be determined by Council to be appropriate in light of the amount of the charge.
  - (4) Interest shall accrue on each annual installment of the local improvement charge.
  - (5) A local improvement charge may be prepaid in whole or in part at any time without penalty or charge.
- 5.
- (1) The local improvement charge tax levied under this By-Law is collectible in the same manner as rates and taxes under the Assessment Act, and at the option of the Treasurer or Clerk of the Municipality is collectible at the same time and by the same proceedings as are rates and taxes.
  - (2) A local improvement charge imposed pursuant to this By-Law shall be a lien on the whole of the lot which has frontage abutting on a public right of way upon which the local improvement was constructed and with the same effect as rates and taxes pursuant to the Assessment Act.
  - (3) The lien provided by this By-Law shall become effective on the date Council determines by resolution the amount of the net costs of the project to be recovered by a local improvement charge.

6. (1) Notwithstanding the foregoing, if the Municipality should determine that health or safety concerns exist, the alleviation of which will require the construction of a local improvement, the Municipality may construct a local improvement and may recover the costs of doing so in the same manner as provided in this By-Law, without the necessity of first having obtained the approval of the lot owners as provided in Section 3 and 4(1) of this By-Law.
  
7. (1) This By-Law shall come into effect upon publication as required by the Municipal Government Act.

