



MUNICIPALITY OF THE COUNTY OF PICTOU MUNICIPAL ROADS AREA RATE BY-LAW

BE IT ENACTED by the Council of the Municipality of the County of Pictou as follows:

1. This By-law may be cited as the "*Municipal Roads Area Rate By-Law*".
2. In this by-law:
 - (a) "capital improvements", with reference to a road, includes construction, alteration, paving, resurfacing and repair of the road, or of any sidewalk or curb and gutter;
 - (b) "Municipality" means the Municipality of the County of Pictou;
 - (c) "road" means any street or road owned by the Municipality.

Charge Imposed

3. (1) Where the Municipality undertakes capital improvements to any road, there shall be imposed, on the property or properties abutting either side of the road, and on the persons owning such property or properties, by a schedule added to this By-law, a charge equal to fifty per cent of the cost to the Municipality of the capital improvements plus fifty percent of the financing and administrative costs associated with the capital improvements, in accordance with subsection (2).
 - (2) An area rate shall be based upon an annual uniform per lot charge and shall be applied to all properties including residential, resource, or commercial lots that have frontage on the road.
 - (3) Charges imposed under subsection (1) may be adjusted by Council in the following circumstances:
 - (a) 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 to zero.
 - (b) 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 other streets.
 - (4) Where the Municipality undertakes the capital improvement of any road, this by-law shall be amended by the addition of a schedule identifying the area and

properties in the area to which the charge for the capital improvement applies and imposing the amount of the charges.

Lien

4. (1) The charge imposed pursuant to this By-Law and any interest accrued thereon is a first lien on the real property to which it applies.

(2) The lien provided for in this By-Law arises and attaches and becomes effective on the date on which the Municipality's Engineer files with the Municipal Treasurer a certificate stating that the capital improvement has been completed.

(3) The lien provided for in this By-law shall remain in effect until the charge and any accrued interest has been paid in full.

Billing and Enforcement

5. (1) Subject to subsection section (4) of this section, accounts for charges under this by-law shall be due and payable when rendered.

(2) An account is rendered under this by-law on the date it bears.

(3) Unpaid and overdue charges under this by-law bear interest at the same rate set by the Municipality's policy for unpaid taxes, calculated from 30 days after the date the account is rendered.

(4) Notwithstanding subsection (1) of this section, charges under this by-law, at the option of the owner, may be paid in equal installments over a period of ten (10) years, and the entire amount, from time to time outstanding and unpaid shall bear interest at the same rate set by the Municipality's policy for unpaid taxes.

(5) Default in the payment of any installment results in the whole of the balance and any interest accrued thereon becoming immediately due and payable.

(6) The charge imposed by this by law and any interest accrued thereon may be collected in the same manner as other taxes and at the option of the Treasurer of the Municipality are collectible at the same time, and by the same proceedings, as other taxes.

Subdivision

6. (1) Where a property subject to a local improvement charge is subdivided, the lots created shall be charged an amount equal to the uniform charge that would have been calculated on all lots subject to the charges if the subdivision had occurred just immediately to the charge become effective.

(2) Properties that have been subjected to a charge, prior to a subdivision occurring shall have their charges reduced to the amount calculated as a result of section 6 (1).

Repeal

All former by-laws with respect to municipal road area rates are hereby repealed.

THIS IS TO CERTIFY that the foregoing is a true copy of a by-law duly adopted by the Municipal Council for the Municipality of the County of Pictou at a duly called meeting of the Council held on the 11th day of June, 2012.

GIVEN under the hands of the Municipal Clerk and under the corporate seal of the Municipality this 13th day of June, 2012.

BRIAN CULLEN, MUNICIPAL CLERK

<u>Advertising:</u>	<u>1st Reading</u>	<u>2nd Reading</u>
The News	05/26/12	06/18/12
Pictou Advocate	05/30/12	06/20/12