

TOWN OF AMHERST

LOCAL IMPROVEMENT BYLAW

1. IN THIS BYLAW:

Interpretation

- a) "Local Improvement" means laying out, constructing, or improving streets, curbs, sidewalks, gutters, driveways, ramps, culverts, basins, catchbasin leads and extensions of the sewer and water systems within the public right of way; and
- (b) "Frontage" of a lot means the linear measurement of the property line which abuts a street.

Procedure

- 2. a) Any lot owner who wishes to have Council construct a local improvement within the street right-of-way in front of their property may present to Council a petition of those persons owning more than 50% of the frontage of the real property where the improvement is to take place and who are also prepared to participate in cost sharing the work to be done.
- b) Upon receiving a petition, Council will have estimates of the costs prepared, following which each affected property owner will receive a notice by registered mail describing the work to be done, the total cost and the cost to each property owner. The property owner will be asked to respond in favour or against the local improvement within 7 days.
- c) If persons owning more than 50% of the affected frontage agree, the project will proceed.

Charges

- 3. The Town will charge to the lot owners fronting on a street a local improvement charge for any local improvements constructed by the Town on that street as follows:
 - a) All costs to service undeveloped Town owned streets or right of ways;
 - b) All costs to install new curbing on existing streets; and
 - c) All costs to construct new sidewalks will be shared by abutting property owners on each side of the street and may be shared 50% by the Town should Council decide the new sidewalk is beneficial to residents who do not live on the street in question,

in accordance with the following formula:
$$\frac{(T.C. - F.C.) \times P.P.F.}{T.P.F.} = D.L.S.I.C.$$

where:

- T.C.** = Total cost of improvement;
F.C. = Total financial contributions of Federal, Provincial or Municipal governments;
T.P.F. = Total property frontages to be taken into account;
P.P.F. = The particular property frontage; and
D.L.S.T.C. = The designated local street improvement charge for that particular property.

Lien on Property

4. A local improvement charge imposed under this bylaw shall constitute a lien upon the lots affected and is collectible in the same manner as rates and taxes on real property collected pursuant to the Assessment Act of Nova Scotia.

Terms of Payment

5. a) A local improvement charge on a property shall be payable by five equal annual payments of principal plus accrued interest, the first payable on receipt of notice of the charge, and the other payments on the anniversary date on which notice of the charge is mailed to the assessed owner of the lot by the Town.
- b) Interest shall accrue on the local improvement charge commencing thirty (30) days after the date on which notice of the local improvement charge is mailed to the assessed owner of the lot and shall be calculated at the interest rate established annually by the Town Council for arrears of real property taxes.
- c) A lot owner may prepay the whole or a portion of a local improvement charge without any penalty being charged by the Town.

Repeal

6. The Civic Improvement Charges Bylaw as approved by the Minister of Municipal Affairs on May 22, 1968 and all amendments thereto are repealed.

I, Fred W. Haines, Town Clerk of the Town of Amherst, do hereby certify that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Town Council of the Town of Amherst duly convened and held on the 16th day of October A.D., 1995.

GIVEN under the hand of the Town Clerk and under the corporate seal of the said Town this 31st day of October A.D., 1995.

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TOWN CLERK