

MUNICIPALITY OF THE COUNTY OF KINGS



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BY-LAW # 81

STREET SURFACING BY-LAW

1. This By-Law shall be known as and may be cited as the "Street Surfacing By-Law".
2. In this By-Law the following meanings are assigned to the following words:
 - (a) "Engineer" means the staff engineer of the Municipality or a consultant engineer engaged by the Municipality, or any other person engaged by the Municipality who, in the opinion of the Council, is competent to carry out the duties normally assigned to an engineer.
 - (b) "Frontage" means the full length of any lot line which abuts a street.
 - (c) "Improvement" includes any of the following activities: laying out, opening, constructing, repairing, improving, and maintaining streets
 - (d) "Longest Frontage" means the frontage which has the greatest length, and in the case of the tie, the frontage which is involved in the tie and which has its abutting street improved first is to be designated as the longest frontage.
 - (e) "Owner" includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any real property fronting on a street, and also includes any trustee, executor, guardian, agent or other person having the care or control of such real property in case of the absence or disability of the person having title thereto.
 - (f) "Street" means a street owned by the Municipality pursuant to the Planning Act or the Public Highways Act.
3. This By-Law shall only apply to the following streets, whose title have been conveyed to the Municipality:
 - a. Acadia Drive, Kingston
 - b. Avon Court, Hants Border
 - c. Avonview Drive, Hants Border
 - d. Crosby Drive, Coldbrook
 - e. Fuller Street, Hants Border
 - f. Haliburton Street, Hants Border
 - g. Langille Drive, Coldbrook
 - h. Mitchell Avenue, Aylesford
 - i. Pine Street, Aylesford

j. Scotney Court, Auburn

- 4. Where Council has so directed, whether before or after the coming into effect of this By-Law, the Municipality may make such improvement and shall recover all or part of the cost of the improvement by levying a Special Tax upon all of the owners of frontage on the said street.
- 5. The Municipality shall notify all affected property owners of Council's intention to proceed with street surfacing and the anticipated frontage charge, prior to final approval by Council.
- 6. Subject to the collecting of interest as provided for elsewhere in this By-Law, the amount recovered by the Municipality is not to exceed the cost of the improvements to the Municipality as certified by the Engineer and as approved by the Clerk.
- 7. The Special Tax is to be calculated according to the following formula:

St = Special Tax
TF = Total Frontage abutting subject street
PF = Portion of total frontage owned by particular individual
TC = Total cost of improvements
$$St = \frac{PF}{TF} \times TC$$

- 8. The Special Tax levied under this By-Law:
 - (a) is a lien on the whole of the property which has a frontage on the improved street and the lien has the same effect as a lien for rates and taxes under the Assessment Act; and
 - (b) is collectible at the option of Council and in the same manner and at the same time as are rates and taxes under the Assessment Act; and
 - (c) becomes effective when the Engineer files with the Clerk a certificate that the improvement has been completed; and
 - (d) shall remain in effect until the Special Tax, together with interest at the rate of 0.6667 percent per month, or any portion thereof, on the entire amount from time to time outstanding has been paid.
- 9. Property owners within the subdivision may request a petition that considers all properties within the subdivision for equal payment, regardless of lot size, street frontage and other provisions within this by-law. Municipal Council will only consider this petition if 66% of the properties within the subdivision are in favor.

10. (1) The Special Tax may, at the option of the owner of the property, be paid in equal annual installments over a period of time, the number of installments not to exceed ten and the period not to exceed ten years.
- (2) If the owner defaults in any one annual installment the entire balance of the Special Tax then becomes due and owing.
- (3) The installment option will not change the date upon which the entire sum becomes due for the purposes of calculating interest thereon pursuant to section 7(d).

History of this By-law

Enacted - November 4, 1997

Amended - January 5, 1999
June 5, 2001
August 5, 2003
May 2, 2006
August 3, 2010