MUNICIPALITY OF THE DISTRICT OF YARMOUTH

	Local Improvement By-law L-068-26	Effective Date: November 12, 2026

Part 1 Purpose
The purpose of this By-Law (enacted pursuant to the Municipal Government Act, Section 81) is to establish a fair and transparent process for:

1.1. Considering local improvement projects requested by property owners;

1.2. Obtaining engineering and capital cost estimates;

1.3. Determining municipal and property-owner cost sharing;

1.4. Approving local improvement projects; and

1.5. Recovering costs from benefited properties.

Part 2 Definitions
In this By-Law:

2.1 **"Adjacent Property"** means a property directly benefiting from or fronting on a Local Improvement.

2.2 **"Applicant"** means the person or people who submit the initial request to the CAO

2.3 **"CAO"** means the Chief Administrative Officer of the Municipality.

2.4 **"Council"** means the Council of the Municipality of the District of Yarmouth.

2.5 **"Frontage"** means the length of property abutting the Local Improvement.

2.6 **"Local Improvement"** includes the construction, reconstruction, paving, installation or upgrading of roads, sidewalks, curbs, gutters, storm drainage, bridges, culverts, street infrastructure, or similar public works.

2.7 **"Manager"** means the Manager of Asset Management and Capital Projects

2.8 **"Municipality"** means the Municipality of the District of Yarmouth.

2.9 **"Owner"** means the assessed owner of property according to the Municipality's assessment records

2.10 **"Total Project Cost"** means the full capital cost of the Local Improvement less confirmed external grant funding.

Part 3 Stage 1 – Preliminary Community Requests

3.1 **Initiation of Request, the Applicant**
One or more owners may request that Council consider a Local Improvement project. The request shall:

3.1.1. Identify the proposed improvement;

3.1.2. Identify the affected area and;

3.1.3. Include signatures representing at least fifty percent (50%) of affected frontage of affected properties, as determined by the Municipality.

3.1.4. Be submitted to the CAO in writing.

Signature of one Owner shall be taken to signify the consent of the owners of the same property

3.2 **Preliminary Review**
Upon receipt of a request, staff may prepare:

3.2.1. A preliminary scope of work;

3.2.2. Estimated engineering costs;

3.2.3. Potential project limitations or contraints;

3.2.4. Preliminary funding considerations; and

3.2.5. A report to Council.

3.3 **Council Consideration of Engineering Funding**
Council may:

3.3.1. Approve funding for engineering and capital costing;

3.3.2. Decline the request; or

3.3.3. Defer consideration pending further information.

3.4 **Approval Under this Section Does Not:**

3.4.1. Authorize construction;

3.4.2. Establish a final project cost; or

3.4.3. Impose any charge upon property owners.

Part 4 Stage 2 – Engineering and Community Presentation

4.1 **Engineering and Capital Costing**
Where Council approves Stage 1, the Municipality may undertake engineering, surveying, design, environmental review, and capital costing.

4.2 **Community Information Process**
Following completion of engineering and costing, the Municipality shall, in writing, provide affected Owners with:

4.2.1. The estimated Total Project Cost;

4.2.2. Estimated property-owner costs;

4.2.3. Estimated annual payment amounts;

4.2.4. Proposed financing terms;

4.2.5. Any proposed Municipal contribution;

4.2.6. Any confirmed grant funding; and

4.2.7. A description of the proposed work.

4.3 **Public Information Meeting**
The Municipality shall hold at least one public information meeting prior to final direction of Council to circulate the final petition.

Notice of the meeting shall be provided to affected Owner's via Canada Post.

4.4 **Council Direction to Proceed**
Following the public information process, Council may:

4.4.1. Authorize circulation of a final petition;

4.4.2. Revise the project scope;

4.4.3. Revise the Municipal contribution; or

4.4.4. Decline to proceed further.

Part 5 Stage 3 – Final Petition

5.1 **Final Petition Requirements**
The final petition, provided to the Applicant by the Municipality, shall include:

5.1.1. Description of the Local Improvement;

5.1.2. Final estimated project costs;

5.1.3. The proposed Municipal contributions;

5.1.4. Estimated property-owner charges;

5.1.5. Frontage calculations;

5.1.6. Proposed financing terms;

5.1.7. Petition expiry date; and

5.1.8. Any other information required by the Manager.

5.2 **Petition Threshold**
A Local Improvement petition shall be deemed successful where Owners representing at least two-thirds (2/3) of affected frontage have signed the petition. If an owner has not responded to a petition, they will be deemed to have voted “no” and not be in favour of the local improvement.

5.3 **Verification of Petition**

5.3.1. The Manager shall review and verify the results of the petition.

5.3.2. The Manager shall report the results of the petition to Council.

5.4 **Council Authority**
Notwithstanding a successful petition, Council retains full discretion to:

5.4.1. Approve the project;

5.4.2. Amend the project scope;

5.4.3. Amend the Municipal contribution; or

5.4.4. Decline the Project.

Part 6 Calculation of Charges

6.1 **Recovery of Costs**
Council may recover all or part of the property-owner's share of project costs through a local improvement charge. Charges may be apportioned:

6.1.1. By frontage;

6.1.2. Equally per property; or

6.1.3. By another method determined by Council.

6.2 **Frontage Formula**
Where frontage is used, the charge shall be calculated as:

Property Charge = Property Frontage divided by Total Frontage multiplied by Recoverable Project Cost

6.3 **Corner Lots**
Unless otherwise determined by Council, corner lot secondary frontage shall be assessed at fifty percent (50%) of the calculation in 6.2 above.

Part 7 Payment Terms

7.1 **Engineering and Capital Costing**
Owners may pay charges in full or by annual installments over a period established by Council

7.2 **Interest**
Interest shall be charged, in accordance with the Interest Policy for overdue taxes.

7.3 **Default**
Where payment is in default, the outstanding balance becomes immediately due and payable.

Part 8 Lien and Collection

8.1 **Lien**
A local improvement charge constitutes a lien against the property in the same manner as municipal taxes.

8.2 **Collection**

Charges may be collected in the same manner as municipal taxes.

Part 9 General

9.1 **No Obligation to Proceed**
Nothing in this By-Law requires Council to undertake a Local Improvement project.

9.2 **Severability**
If any portion of this By-Law is declared invalid, the remainder shall remain in force.

Part 10 Repeal

11.1 This By-Law hereby repeals and replaces the Local Improvement By-Law L-068-09.

Chief Administrative Officer's Annotation for Official By-Law Book	
Date of First Reading	September 23, 2026
Date of Advertisement of Notice of Intent to Consider	October 2, 2026
Date of Second Reading	October 28, 2026
Date of Advertisement of Passage of By-Law	November 12, 2026
Date of Mailing to Minister a Certified Copy of By-Law	November 13, 2026
I certify that this Local Improvement By-Law L-068-26 was adopted by Council and published as indicated above.	
Chief Administrative Officer	November 12, 2026 Date