



**Private Road Maintenance Charge By-law
P-086-20**

Effective Date:
October 7, 2020

Part 1 Purpose

Private road maintenance will ensure the safety and long-term serviceability of roads shared by private land-owners. Road maintenance includes all work required to maintain the road in a serviceable condition year round, including snow plowing. The Municipality will consider entering into an agreement with a community organization to provide a means for collecting charges for the maintenance of private roads.

Part 2 Definitions

- 2.1 **“Administration Fee”** - an administration fee of 4% which shall be charged by the Municipality to offset the costs involved in billing, collecting and administering the private road maintenance charge.
- 2.2 **“Applicant”** - a community organization incorporated pursuant to the Societies Act, R.S.N.S., c.435, which submits an application for a private road maintenance charge.
- 2.3 **“Charge”** - a *charge* imposed pursuant to Section 81 of the *Municipal Government Act* in an amount to be determined pursuant to this By-law and payable in respect of the *road maintenance* and/or *improvement* application submitted pursuant to this By-law.
- 2.4 **“Lot”** - any parcel of land that complies with the subdivision provisions of the *Municipal Government Act*.
- 2.5 **“Municipality”** – the Municipality of the District of Yarmouth
- 2.6 **“CAO”** - the Chief Administrative Officer of the Municipality
- 2.7 **“Owner”** - an owner of land as defined in the *Municipal Government Act*.
- 2.8 **“PID”** – is a Property Identification Number
- 2.9 **“Private road”** - a road that is not public and requires maintenance to ensure continuing safe access for residents and emergency vehicles.
- 2.10 **“Resident Owner”** - an Owner who is not a Seasonal Owner
- 2.11 **“Seasonal Owner”** - an Owner who lives in a secondary residence not intended for year round occupancy nor occupied for greater than six months per year.



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Part 3 Authority

- 3.1 Pursuant to Section 81 of the *Municipal Government Act*, the Municipality has the authority to impose, fix and provide methods for the enforcement of charges for the purpose of maintaining private roads, curbs, sidewalks, gutters, bridges, culverts, and retaining walls that are associated with private roads, where the cost is incurred under an agreement between the Municipality and an Applicant.

Part 4 Private Road Maintenance Charge Application

- 4.1 An Application for the establishment or continuation of a private road maintenance charge shall be submitted to the CAO or designate by an Applicant.
- 4.2 The Application for the establishment of a charge shall:
- 4.2.1 Provide evidence of the Applicant's good standing under the *Societies Act*.
 - 4.2.2 Define the area to which the charge is to apply with sufficient clarity to allow for proper implementation of the charge for billing purposes, including a survey plan, or in the event a survey plan is not available a sketch showing the charge area, the lots affected, the PID Number or the Assessment Account Number, the road and the frontage of the lots on the road within the charge area;
 - 4.2.3 Include a budget in support of the charge, including the Administration Fee, and also include the Applicant's financial statements for its preceding fiscal year (not required in the first year of incorporation).
 - 4.2.4 The method of calculating the charge, which may include different charges for seasonal use of lots as opposed to year-round use of lots, and different charges for lots with and without a residence located on them.
 - 4.2.5 Be submitted prior to April 1st of the fiscal year to which the charge applies.
 - 4.2.6 Be accompanied by an agreement to perform the maintenance, in the form approved by the Municipality, and executed by the Applicant.
- 4.3 Public Meeting
- 4.3.1 Prior to the submission of an Application, an Applicant shall call a public meeting of all Owners of land, including owners who are incorporated,



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which may be subject to the private road maintenance charge. This meeting must be held prior to March 1st in each year.

- 4.3.2 Notice of said meeting shall be posted in no fewer than 5 conspicuous places in the area to which the charge is to be applied, no less than 14 days prior to the meeting. Notice of the meeting will also be made through direct mail to all Owners of land which may be subject to the private road maintenance charge. The notice shall contain:
 - 4.3.2.1 The date, time and location of the public meeting
 - 4.3.2.2 The name of the Applicant
 - 4.3.2.3 The charge requested in the Application
 - 4.3.2.4 The area to which the charge applies
 - 4.3.2.5 That the Owners are entitled to a vote (limited to one vote per lot)
 - 4.3.2.6 The methods of voting
- 4.3.3 Notice to an Owner who does not live year-round on a lot, or to multiple Owners of one lot, shall be sent by post to the address used for the Property Tax Bill.
- 4.3.4 The public meeting will be conducted by the Applicant. The Applicant will keep a register of Owners, recording Owners' names and addresses and lots owned by the Owners within the area to which the charge will apply.
- 4.3.5 The Applicant will make a presentation to the meeting, which will outline the reasons for and purposes of a private road maintenance charge and the amount of and the method of calculating the suggested charge, and present a budget.
- 4.3.6 Following the Applicant's presentation to the meeting, support for the charge shall be determined by two-thirds of the Owners. Proxy voting, telephone voting, and electronic voting or other reasonable means of voting as determined by the meeting will be allowed for those Owners unable to attend the meeting in person. Each Owner shall have one vote for each lot they own, limited to one vote per lot if there are multiple Owners of one lot.
- 4.3.7 The Applicant must provide evidence of the duly constituted meeting and the two-thirds approval for the charge.



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Part 5 Annual Application

- 5.1 Applications must be submitted annually if an Applicant wants a charge to continue into the next fiscal year of the Municipality. Charges are not automatically renewed.

Part 6 Responsibility of the Municipality

- 6.1 The Municipality limits its involvement in the private road maintenance to the administration of the charge. The Municipality will not provide engineering advice or technical assistance for the private road maintenance. The CAO or designate is authorized to execute an agreement entered into with an Applicant for the maintenance of private roads.
- 6.2 Payment of the amount collected by the *Municipality* will be made only to the *Association*.

Part 7 Private Road Maintenance Charge

- 7.1 Every Owner of land which is located within a private road maintenance area described in Schedule "A" attached to and forming part of this By-law shall pay the private road maintenance charge applicable to said area as set out in Schedule "A".
- 7.2 All charges under this By-law shall be due and payable from the date they are assessed.
- 7.3 The CAO shall notify Owners liable for the charge of the charge and the account payable by either mailing notice by regular post to the last known address of such Owners or by posting it on the property in respect of which the charge is levied.
- 7.4 All charges remaining unpaid for more than thirty days subsequent to being due and payable shall be subject to the Municipality of the District of Yarmouth Interest Policy.
- 7.5 All charges and interest thereon shall be a first lien on the property. In respect of which such is payable and will remain in effect until all charges including interest have been paid in full.

MUNICIPALITY OF THE DISTRICT OF YARMOUTH



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Schedule "A"

Explanation Note – Schedule "A" is applied when an application is received and approved under this By-law.

MUNICIPALITY OF THE DISTRICT OF YARMOUTH



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Chief Administrative Officer's Annotation for Official By-Law Book

Date of First Reading	August 26, 2020
Date of Advertisement of Notice of Intent to Consider	September 14, 2020
Date of Second Reading	September 30, 2020
Date of Advertisement of Passage of By-law	October 7, 2020
Date of Mailing to Minister a Certified Copy of By-law	November 6, 2020

I certify that this Private Road Maintenance Charge By-law P-086-20 was adopted by Council and published as indicated above.

Chief Administration Officer

November 5, 2020

Date

Date last reviewed by Council: September 30, 2020
Date last amended: