

MUNICIPALITY OF THE COUNTY OF ANTIGONISH

STREET IMPROVEMENT BY-LAW

RESOLVED by the Council of the Municipality of the County of Antigonish that the following By-Law relating to Street Improvements be and the same is hereby enacted and the Deputy Clerk is hereby instructed to enter a copy of the same in the By-Law Book of the Municipality and to file therein a certified copy of the Notice of Publication of the By-Law.

Clause 1 - Interpretation

1.1 This by-law shall be known and may be cited as, the “Street Improvement By-Law”.

1.2 In this by-law:

- (a) **“Clerk”** means the clerk/treasurer of the Municipality;
- (b) **“Frontage”** means the full length of any lot line which abuts a street;
- (c) **“Improvement”** means the laying out, opening constructing, repairing, improving and maintaining of streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls;
- (d) **“Municipality”** means the Municipality of the County of Antigonish;
- (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 and control of such real property in case of the absence or disability of the person having title thereto;
- (a) **“Street”** means any street, highway or traveled way or portion thereof within the Municipality.

1.3 The clause titles included in this by-law are descriptive only and do not form part of the text of the by-law.

Clause 2 - Petition for Improvement

2.1 Where a person or persons representing ownership of two thirds of the frontage of real property fronting on a street file a Petition with the Clerk requesting that the Municipality make an improvement to the said street, the Municipality may make such an improvement and shall recover that portion of the costs of making the improvement as is specified in subclauses 2.2 hereof, by levying a Special Tax upon all owners of frontage on that street.

2.2 The portion of the costs of an improvement to be recovered by the Special Tax shall be 33⅓% of the total costs of the improvement.

- 2.3 Notwithstanding clause 2.1, where one or more of the owners of frontage cannot be located after reasonable efforts have been made to do so, and those owners comprise at least 20% of the frontage on a street, a petition signed by a person or persons representing ownership of 50% of the frontage on any one street will suffice for the purposes of this section.

Clause 3 - Computation of tax

- 3.1 The Special Tax shall be paid by all of the owners of frontage on the street, in equal shares.
- 3.2 Subject to the collection of interest on the Special Tax as provided herein, the amount recovered by the Municipality shall not exceed the applicable portion of the cost of the improvements as approved by the Clerk.

Clause 4 - Collection of Special Tax

- 4.1 The Special Tax levied under this by-law becomes effective and is due and payable when the Clerk receives a certificate from the person who performed the work, that is has been completed, and the Clerk endorses the same with his agreement.
- 4.2 The Special Tax 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*.
- 4.3 The Special Tax constitutes a lien on the whole of the property which has frontage on the improved street and that lien has the same effect as a lien for rates and taxes under the *Assessment Act*.
- 4.4 A levy of Special Tax shall remain in effect until it, and interest at the rate of 15% per annum on the entire amount from time to time outstanding, has been paid.

Clause 5 - Payment by Installment

- 5.1 The Special Tax may, at the option of the owner of the property levied, be paid in equal annual installments over a period not to exceed five years.
- 5.2 If the owner defaults in payment any annual installment under this clause, the entire balance of the Special Tax thereupon becomes due and payable.
- 5.3 The election of pay by installments shall not change the date upon which the entire sum becomes due for the purpose of calculating interest thereon under clause 4.4.

I, Alan J. Bond, Clerk of the Municipality of the County of Antigonish, do hereby certify that the foregoing is a true copy of By-Law adopted on third reading at a regular meeting of the Municipal Council held on the 15th day of December, 1998.

GIVEN under the land and seal of the Municipal Clerk and under the corporate seal of the Municipality of the County of Antigonish this 15th day of December, 1998.

Alan J. Bond
Municipal Clerk Treasurer