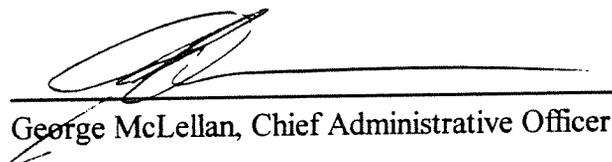

Halifax Regional Council
April 9, 2002

April 16, 2002
May 7, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer

DATE: April 2, 2002

SUBJECT: **By-Law Number L-109, Respecting Charges for Local Improvements,
Beaver Bank Phase III and Future Water and Sewer Projects**

ORIGIN

This report originates from staff.

RECOMMENDATIONS

It is recommended that Halifax Regional Council:

1. Amend clause (b) of subsection (2) of Section 6 of By-law L-100 Respecting Charges for Local Improvements, by inserting between the word "feet" and the period in the last line, the following:
"except for a lot which cannot be subdivided due to the location of buildings on the lot, in which case the charge shall be one half the total frontage on the streets".
2. Approve in principle the adoption of By-Law Number L-109, Respecting Charges for Local Improvements, attached, and also give notice of motion to begin the formal adoption process.
3. Increase capital account #CGR00379, Beaver Bank & Area - Sanitary & Clearwater Sewer, in the amount of \$42,280 with funding from CRESPOOL as outlined in the Budget Implications Section of this report.

BACKGROUND

By-Law Number L-100, known as the "Local Improvement By-Law" was approved by Regional Council and the Province in 1998 with subsequent schedules and amendments approved thereafter as relates to water and/or sewer servicing activity on Cow Bay Road, Pockwock Road, Anderson Road, Anderson Court and Beaver Bank Road Phase III. The amendment proposed under this report is intended to apply to Beaver Bank Road Phase III and any subsequent water and sewer projects that fall within the application of the subject By-Law.

DISCUSSION

Section 5 of By-Law Number L-100 sets out the manner in which Local Improvement Charge applications based on lot frontage are to be determined. Section 6 provides a means of adjusting the applicable lot frontage based on specific circumstances. It is Section 6 of the By-Law to which this proposed amendment applies.

Section 6 allows the either of two formulas where a corner lot will have its frontage determined for Local Improvement Charge purposes. Where a lot is situated at the intersection or junction of two or more streets, the component of the tax based upon frontage shall not exceed the amount that would be payable calculated on:

- a) one half of the total frontage on the streets, where the total frontage on the streets is two hundred feet or less;
- b) the total frontage less one hundred feet where the total frontage on the streets exceeds two hundred feet.

The rationale for (b) was to ensure that situations would not arise where a corner lot could be subdivided after servicing thereby providing an advantage to that lot owner.

In the calculation of the frontage charges to be applied to the properties serviced within Beaver Bank Phase III and irrespective of the situations as outlined in Section 6(1), a problem has been identified whereby some corner properties cannot be subdivided in accordance with the criteria set out in Section 5 of By-Law Number L-100 because of building locations. Although staff are not aware of any past situations where this has arisen, it is possible that they will arise in future capital servicing projects.

Consequently, staff are recommending that clause (b) of subsection (2) of Section 6 of By-law L-100 Respecting Charges for Local Improvements be amended to address this situation.

Staff is not immediately aware of other projects where this issue has been of a concern. Notwithstanding, should an application be made, staff would apply the amended provision should the property be so affected.

BUDGET IMPLICATIONS

The proposed By-Law amendment recommended by this report will result in a reduction of \$42,280 in the total recovery from Local Improvement Charges applicable to the Beaver Bank Phase III Project by By-law approved by Council. The recommended funding source for this account meets the criteria for use of the Capital Pool Fund as per the Capital Pool Procedures Report dated May 8, 2001 and approved by Council on May 15, 2001 as confirmed by staff of Finance.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

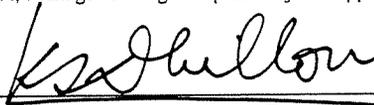
Council may choose not to approve this proposed By-Law Amendment. This would result in a financial hardship resulting from frontage charges on corner lots which cannot be subdivided.

ATTACHMENTS

- Proposed By-Law Number L-109
- By-Law Number L-100

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208

Report Prepared by: Rick Paynter, P Eng., Manager, Design and Construction Services
Reg Ridgley, CGA, Manager Strategic Capital Project Support

Report Approved by: 
K. Dhillon, P Eng., Director, Public Works and Transportation Services at 490-4855


Dale MacLennan, C.A Director, Financial Services at 490-6308

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER L-109

RESPECTING CHARGES FOR LOCAL IMPROVEMENTS

Be it enacted by the Council of the Halifax Regional Municipality that By-law L-100, the Local Improvement By-law, be amended as follows:

1. Clause (b) of subsection (2) of Section 6 of By-law L-100 is amended by inserting between the word "feet" and the period in the last line, the following:

" , except for a lot which cannot be subdivided due to the location of buildings on the lot, in which case the charge shall be one half the total frontage on the streets".
2. This amendment is effective as of the 21st day of August, 2001.

Done and passed by Council this day of , 2002.

MAYOR

MUNICIPAL CLERK

Halifax Regional Municipality

Bylaw Number L-100

Respecting Charges for Local Improvements

Be It Enacted by the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Bylaw shall be known as Bylaw L-100 and may be cited as the "Local Improvement Bylaw".

Charge Imposed

2. Where a water line, sanitary sewer, storm sewer, or combined sewer is or has been constructed, installed, improved, operated or maintained within the Halifax Regional Municipality in an area or zone identified in Schedule "A", as amended from time to time, a tax is hereby levied upon every owner of real property situated in whole or in part within the area or zone except to the extent that any lot or the owner thereof is or is of a type totally or partially exempt from tax by the provisions hereof or the provisions of Schedule "A".

Amount of Charge

1. The amount of tax levied pursuant to Section (2) shall be determined in accordance with the provisions of this Bylaw and of Schedule "A" of this Bylaw and maybe calculated based on:
 - a) a uniform amount for each lot or parcel of land in existence or subsequently created by subdivision;
 - b) the frontage of the lot on any street;
 - c) the use of the lot;
 - d) the area of the lot;
 - e) any combination of two or more such methods of calculating the tax; or
 - f) such other method as Council deems fit.

Variations In Charges

4. The tax levied pursuant to this Bylaw may be fixed at different rates for different classes or uses of properties and may be fixed at different rates for different areas or zones.

Frontage Charges

5. If the amount of the sewer tax or water tax contains a component calculated, in whole or in part, based upon the frontage of the lot on a street then the component of the tax which is based upon frontage shall be calculated in accordance with the provisions of this section.
 - a) The minimum deemed frontage property shall be 60 feet.
 - b) For the purpose of calculating the component of the tax based upon frontage, the number of lineal feet of frontage shall be measured at a distance twenty (20) feet back from the boundary line or lines of the lot adjacent to any street.
 - c) Every property shall be deemed to be subdivided into the greatest number of lots permissible and the charge shall be calculated for each lot.
6. Charges imposed under subsections (1) to (5) may be adjusted by Council in the following circumstances:
 - (1) A property cannot be developed or cannot be connected to or serviced by a public sewer because of its size, configuration, topography or ground condition of such lot or parcel of real property.
 - (2) Subject to paragraph 5 a) where the lot is situated at the intersection or junction of two or more streets, the component of the tax based upon frontage shall not exceed the amount that would be payable calculated on:
 - (a) one-half of the total frontage on the streets, where the total frontage on streets is two hundred (200) feet or less;
 - (b) the total frontage less one hundred (100) feet where the total frontage on the streets exceeds two hundred (200) feet.

7. (1) Whenever an area or zone is identified in Schedule "A" for the purpose of assessing a sewer tax or water tax pursuant to this Bylaw, the Engineer shall make and submit to the Director of Finance and the Collector an assessment list containing the names, according to the assessment records, of the owners of all properties in the area or zone and containing the amounts due for sewer taxes and/or water taxes with respect to each property.
 - (2) The Engineer may at any time amend the assessment list to include the name of any person or any property in respect of which a sewer tax or water tax is payable which for any reason was not included in the original assessment list.
 - (3) Where in any assessment list prepared pursuant to this Section, a person has been omitted by error or has been assessed in error or has been assessed for a sewer tax or water tax for a greater amount or a lesser amount than the person should have been assessed, the Engineer may at any time amend the assessment list prepared by him to correct the error and adjust the assessment.
 - (4) The Engineer shall submit to the Director of Finance and the Collector a copy of any amended assessment list prepared by him.
8. The Collector shall keep a separate account of all monies due for sewer taxes and water taxes levied pursuant to this Bylaw and the account shall contain:
 - (1) the names of the owners of properties liable for a sewer and/or water tax;
 - (2) the amount due with respect to each property;
 - (3) the amount paid with respect to each property.

Lien

9. (1) A charge imposed pursuant to this Bylaw constitutes a lien upon the property with respect to which the tax has been levied in the same manner and with the same effect as rates and taxes under the Assessment Act.
- (2) A charge imposed pursuant to this Bylaw is collectable in the same manner as rates and taxes under the Assessment Act and

at the option of the Treasurer is collectable at the same time and by the same proceedings as are rates and taxes.

- (3) The lien provided for in this Bylaw shall become effective on the date on which the Engineer files with the Treasurer a certificate that the improvement has been completed.
- (4) The lien provided for in this Bylaw shall remain in effect until the charge plus interest has been paid in full.
- (5) Where a property subject to a lien is subdivided, the amount of the charge plus interest then unpaid shall be apportioned among the new lots created including any residual land in the proportion that the value of each new lot including any residual land bears to the total market value of the lands subdivided including any residual lands.

The maximum amount of such allocation shall not exceed 80% of the current market value of the lots so created.

Market value lots so created must be confirmed by an accredited appraiser. Written confirmation shall be submitted to the Treasurer or his/her designate, in the prescribed form.

Interest

10. (1) Interest shall accrue on charges outstanding from the date of billing forward at a rate equal to the prime rate of the Municipality's banker plus two percentage points on the date that notification of the local improvement project is issued.
- (2) The rate of interest to be applied to outstanding charges respecting any project billed between May 11, 1999 and the date that Bylaw L-106 becomes law shall be the original rate up to the date that Bylaw L-106 becomes law and thereafter shall be equal to the prime rate of the Municipality's banker plus two percentage points on the date that notification of the local improvement project was issued.

Installments

11. The amount payable may at the option of the owner of the property may be paid in equal annual installments over a period not exceeding twenty years and the whole balance becomes due and payable in case of default of payment of an installment.

Repeal

11. Bylaw 67 of the former Halifax County Bylaw is repealed, but all charges and liens imposed pursuant to its provisions remain in effect.

Attachments - (8) Plans showing: Cole Harbour Water Extension, Cherry Brook Water Extension Phase 2, Beaver Bank Water & Sewer Extension Phase 1 & 2, Shore Road Sewer & Water Extension, Greenhead Road Water Extension, Lucasville Road Water Extension

SCHEDULE "A"

Cole Harbour Water Extension

The Local Improvement Charge for properties fronting or abutting in whole or in part, on Cole Harbour Road, Ritcey Crescent, Roode Court, Colridge Court, Old Miller Road, Lawlor Crescent, in the area identified on the plan "Cole Harbour Water Extension, dated May 4, 1998," shall be \$13.26 per lineal foot of frontage.

Cherry Brook Water Extension, Phase 2

The Local Improvement Charge for properties fronting or abutting in whole or in part, on Broom Road, Giberson Drive, Trinah Court, Robert Lane, Betty Drive, Sharon's Place, Lake Major Road, Crane Hill Road in the area identified on the plan "Cherry Brook Water Extension, Phase 2, plan 1 of 2 and plan 2 of 2, dated May 4, 1998," shall be \$12.40 per lineal foot frontage.

Beaver Bank Water and Sewer Extension Phase 1 & 2

The Local Improvement Charge for properties fronting or abutting in whole or in part, on Beaver Bank Road in the area identified on the plan "Beaver Bank Water and Sewer Extension, Phase 1 & 2, dated May 4, 1998," shall be \$10.00 per lineal foot of frontage for water and \$28.00 per lineal foot for sewer.

Shore Road, Sewer and Water Extension

The Local Improvement Charge for properties fronting or abutting in whole or in part, on Shore Road, Eastern Passage in the area identified on the plan "Shore Road Water and Sewer Extension, dated May 4, 1998," shall be \$17.57 per lineal foot of frontage for water and \$47.80 per lineal foot of frontage for sewer.

Greenhead Road, Water Extension

The Local Improvement Charge for properties fronting or abutting in whole or in part, on Greenhead Road, Lakeside, in the area identified on the plan "Greenhead Road, Water Extension, dated May 4, 1998," shall be \$17.20 per lineal foot of frontage.

Lucasville Road, Water Extension

- a) The Local Improvement Charge for properties fronting or abutting in whole or in part, on Lucasville Road, in the area identified on the plan "Lucasville Road, Water Extension, plan 1 of 2 and plan 2 of 2, dated May 4, 1998," shall be \$21.04 per lineal foot of frontage plus a charge of \$491 for each water lateral from the main to the property line.
- b) A further tax of one thousand five hundred dollars (\$1,500.) is hereby levied in respect to all future connections to this water system for properties which have not paid a Local Improvement Charge pursuant to paragraph a) hereof.

Cow Bay Road Area Sewer and Water Extension

- c) The Local Improvement Charges for properties fronting or abutting in whole or in part, on Cow Bay Road, in the area identified on the plan "Cow Bay Road Area, Sewer and Water Extension, Plan No. 1, dated August 5, 1998," shall be \$65. per lineal foot of frontage plus a charge of \$1,350. for each water and sewer lateral from the main to the property line.
- d) The Local Improvement Charges for properties identified on the plan "Cow Bay Road Area, Sewer and Water Extension, Plan No. 2, dated August 5, 1998," shall be \$2,100. per acre of area.
- e) The Local Improvement Charges for the property identified on the plan "Cow Bay Road Area, Sewer and Water Extension, Plan No. 3, dated August 5, 1998" shall be \$12,000.

Pockwock Road, Anderson Road and Anderson Court Water Service Extension

- f) The Local Improvement Charge for properties fronting or abutting in whole or in part on Pockwock Road between White Hills Run and the western end of Pockwock Road, and on Anderson Road and Anderson Court as shown on the plan entitled "Water Service Extension Upper Hammonds Plains Area", shall be \$13.90 per linear foot of frontage.
- g) The Local Improvement Charge for properties fronting or abutting in whole or in part on Pockwock Road between White Hills Run and the Hammonds Plains Road as shown on the plan entitled "Water Services Extension Upper Hammonds Plains" shall be \$16.40 per linear foot of frontage.
- h) A further tax of One Thousand Five Hundred Dollars (\$1,500.00) is hereby levied in respect of all future connections to this water system for properties which have not paid a Local Improvement Charge pursuant to paragraphs (a) or (b) hereof.

Beaver Bank Water and Sewer Project Phase III

- a) The Local Improvement Charges for properties fronting or abutting in whole or in part along the portion of Beaver Bank Road as identified on Plan No. 1 dated August 5, 1998 "Beaver Bank Road Water & Sewer Project Phase III" shall be \$70. per lineal foot.
- b) The Local mprovement Charges imposed under a) may be paid over a 20-year period. The rate of interest will be as set out by Council for area rate projects.

Done and passed by Council this 30th day of June, A.D., 1998.

Walter Fitzgerald
Mayor

Vi Carmichael
Municipal Clerk

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on June 30, 1998.

Vi Carmichael
Vi Carmichael
Municipal Clerk

BY-LAW L-100

Notice of Motion:	April 28, 1998
First Reading:	May 12, 1998
"Notice of Intent" Publication:	June 20, 1998
Second Reading:	June 30, 1998
Third Reading:	June 30, 1998
Approval of Minister of Housing & Municipal Affairs:	September 10, 1998
Effective Date:	September 19, 1998

No. 1 Schedule "A" Amended by L-101
Added Cow Bay Road Area Sewer and Water Extension (a), (b) & (c)

Notice of Motion:	April 28, 1998
First Reading:	May 12, 1998
"Notice of Intent" Publication:	June 20, 1998
Second Reading:	June 30, 1998
Third Reading:	June 30, 1998
Approval of Minister of Transportation & Public Works:	November 17, 1998
Approval of Minister of Housing & Municipal Affairs:	January 27, 1999
Effective Date:	February 6, 1999

No. 2 Schedule "A" Amended by L-103
Added Pockwock Road, Anderson Road and Anderson Court Water Service Extension a), b), & c)

Notice of Motion:	March 27, 2001
First Reading:	April 24, 2001
"Notice of Intent" Publication:	April 28, 2001
Second Reading:	May 15, 2001
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	May 19, 2001

No. 3 Amended by L-106
Added subsection (4) to Section 9; Section 10 repealed and substituted with Subsection (1) & (2).

Notice of Motion:	May 22, 2001
First Reading:	June 5, 2001
"Notice of Intent" Publication:	June 9, 2001
Second Reading:	June 26, 2001
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	June 30, 2001

No. 4 Amended by L-102

Added "Beaver Bank Water and Sewer Project Phase III" to Schedule "A".

Notice of Motion:	February 22, 2000
First Reading:	July 3, 2001
"Notice of Intent" Publication:	July 28, 2001
Second Reading:	August 21, 2001
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 1, 2001

No. 5 Amended by L-107
Added Subsection (5) to Section 9.

Notice of Motion:	July 3, 2001
First Reading:	July 10, 2001
"Notice of Intent" Publication:	July 28, 2001
Second Reading:	August 21, 2001
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 1, 2001
