

Payment of Infrastructure Charges By-law

1.0 SHORT TITLE

This By-Law shall be known as the "Payment of Charges By-Law", as enabled under Section 81 of the *Municipal Government Act of Nova Scotia, RSNS 1998*.

2.0 DEFINITIONS

In this By-Law:

- (a) "cost" means the financial expenditure of installing or constructing infrastructure by the Town, including but not limited to any materials, labour, financing, property acquisition or associated expenses, and may include a one-time redevelopment charge for additional trunk sanitary or sewer capacity, a one-time oversized sewer charge, or a one-time storm drainage charge in a drainage management area.
- (b) "infrastructure" means roads, streets, curbs, sidewalks, gutters, bridges, culverts, retaining walls, wastewater facilities, storm water facilities, water systems, or sewer systems constructed or other such amenities and/or appurtenances intended to be installed or constructed as Town-owned property.
- (c) "owner" means a person who owns, has registered legal title to, or otherwise holds property, subject to the applicable statutes of the Province of Nova Scotia.
- (d) "person" includes a body corporate, society and the heirs, executors, administrators, successors, and other legal representatives of a person.
- (e) "Town" means the Town of Westville, a duly incorporated municipality under the *Municipal Government Act of Nova Scotia, RSNS 1998*.

AGREEMENT FOR PAYMENT OF CHARGES FOR INSTALLATION OF INFRASTRUCTURE

- 3.0 The Town may enter into an agreement with an owner(s) of property (ies) for the purpose of installing or constructing infrastructure within a defined area, at the discretion of the Town Council, as a matter of policy, and as permitted under Section 48(3) of the *Municipal Government Act of Nova Scotia, RSNS 1998*.
- 4.0 The agreement outlined in Section 3.0 of this By-law must be entered into and signed by all owner(s) who have title, whether in whole or in part, to property within a defined area.
- 5.0 The agreement shall be adopted and approved subject to the *Municipal Government Act of Nova Scotia, RSNS 1998*.

PAYMENT OF CHARGES

- 6.0 The Town may install or construct infrastructure, subject to the terms of an agreement described in Section 3.0 of this By-law, and recover the cost (such cost to be estimated by the Town and specified in the agreement) for such installation or construction of infrastructure by the following methods:

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- (a) through the general municipal taxation of the owner(s) of the property(ies) that are parties to the agreement noted in Section 3.0 of this By-law, for a minimum three (3) to a maximum ten (10) year period, such period commencing at that time when the subject properties are re-assessed for property taxation purposes following the installation and construction of the infrastructure;
- (b) that when the cost of installation and construction of infrastructure exceeds that amount which may be recovered by the Town over the year period outlined in Section 6 (a), the difference shall be assessed as a charge against the owner(s) of the property(ies) who are party to the agreement noted in Section 3.0 of this By-law in proportion to the area of a subject property parcel. These charges shall be payable in one of the following methods, which are noted in the agreement described in Section 3.0 of this By-law:
 - (i) as a one-time lump sum payment, payable by the forthcoming deadline for municipal taxes or
 - (ii) as installment payments, over a period of time agreed to by the Town Treasurer and the owner or owners.

- 7.0** The charges outlined in Section 6.0 of this By-law are first liens on real property, and will be collected in the same manner as municipal taxes. Such a lien will become payable upon default of any payment whether as a one-time lump sum payment, or as an installment payment.
- 8.0** Interest shall be applied and paid annually on any outstanding amount whether that payment is a one-time lump sum payment or an installment payment.
- 9.0** The charges outlined in this By-law shall apply to all properties and in all areas zoned for development under the Town's Land Use By-Law.

APPLICATION OF THIS BY-LAW

- 10.0** This By-law shall be applied in a manner consistent to the short- and long-term objectives of the Town, as outlined in the Town's Municipal Planning Strategy and Land Use By-Law.
- 11.0** Notwithstanding the specific terms of any agreement described in Section 3.0 of this By-law, as may be required for the practical application of the agreement, this By-law shall be applied equitably throughout the Town, in a manner outlined by the Town Council.

Date of First Reading: _____
Date of Advertisement of Notice of Intent to Consider: _____
Date of Second Reading: _____
Date of Advertisement of By-law Passage and Approval: _____
Date of Mailing Certified Copy to SNSMR: _____

I certify that this Payment of Infrastructure Charges By-law was adopted by Council and published as indicated above.

Chief Administrative Officer

Date