

# Town of Truro – Bylaws

**Subject:** Local Improvements Bylaw  
**Bylaw Number:** B160-004  
**Approval Date:** September 29, 1993  
**Departments:** Planning

## Table of Contents

PURPOSE.....	1
REFERENCE.....	1
DEFINITIONS.....	1
LEVYING METHODS .....	3
APPORTION OF COST.....	3
General.....	3
Trunk Services .....	4
Local Services.....	4
Secondary Services .....	5
ADMINISTRATIVE GUIDELINES .....	6
PROCEDURE BEFORE CONSTRUCTION OF LOCAL IMPROVEMENT PROJECT.....	5
FINANCIAL ARRANGEMENTS .....	7
CAPITAL WORKS PROJECTS.....	9
CONTRACT WORK.....	9
TERMS AND CONDITIONS FOR STREET WORK PERMITS .....	11
SCHEDULE “A” – Schedule of Costs	
SCHEDULE “B” – Petition	

### **Purpose**

1. This Bylaw is intended to establish the ways and means of delivering Municipal services to owners of property which abut existing and new streets.

### **Reference**

2. This Bylaw shall be known as and may be cited as the “*Local Improvements Bylaw*”.

### **Definitions**

3. In this Bylaw, unless the context otherwise indicates:
  - (a) “Act” means the Municipal Government Act, S.N.S., 1998 c. 18;
  - (b) “Abutter” means the owner of property which shares a common property line with a street within the Town, or, in the context of a Stormwater management project, “Abutter” means the owner of a property on which part of the Stormwater management project will be located;
  - (c) “CAO” means the Chief Administrative Officer of the Town of Truro;
  - (d) “Council” means the Council of the Town of Truro;
  - (e) “Engineer” means the Town Engineer for the Town of Truro;
  - (f) “Fiscal year” means April 1<sup>st</sup> to March 31<sup>st</sup>;
  - (g) “Frontage” means for the purpose of this Bylaw, the linear measurement expressed in metres of private property which abuts the street;
  - (h) “Lateral connection” means such service connection from primary service, sewers or waterline in the street to a property line which abuts the public street;
  - (i) “Local improvement” means and includes the laying out, opening, construction, repairing, improving and maintaining streets, curbs, sidewalks, gutters, driveways, ramps, bridges, culverts, retaining walls, catch basins, catch basin leads, extensions of the sewer and water systems, and Stormwater management projects;
  - (j) “Local service” means minimum level of service required under the Subdivision Bylaw of the Town of Truro, in particular under the *Municipal Services Standards and Specifications*;
  - (k) “Local service extension” means an extension of the local services in a street where here-to-for there was no local services and which street right of way is under the ownership of the Town;

- (l) “Owner” shall mean a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building, and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession of other person having the care or control of any land or building in case of the absence or disability of the person having title hereto;
- (m) “Petitioner” means the owner but in the case of multiple or joint owners only one owner per property;
- (n) “Primary services” means all excavation and backfilling and such surface work associated with sewer(s) and water infrastructure and the preparation of the street as described in the *Subdivision Bylaw, Municipal Services Standards and Specifications*;
- (o) “Secondary services” means all those services which the Town may provide beyond primary services which allows for the completion of the street to the standards described in the *Subdivision Bylaw, Municipal Services Standards and Specifications*;
- (p) “Satellite service” means a primary service sewer(s) or waterline which runs in parallel with the same services (local or trunk), which because of design difficulties (grades, elevation or system under pressure, etc.) cannot be used to provide local services, where by the satellite service is designed to provide the local services required;
- (q) “Stormwater management project” means ditches, French drains, retention ponds and other means of managing stormwater and stormwater drainage that are not part of the Town’s basic stormwater system;
- (r) “Street” means the whole and entire parcel of land vested in the Town of Truro and used as a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and includes the curbs, gutters, culverts and retaining walls in connection therewith.

Streets are characterized as:

- i) Local street means a street designed for local access to abutting properties and as described in the *Subdivision Bylaw, Municipal Services Standards and Specifications*;
- ii) Collector street means a street designed to gather traffic as it comes off local streets and directs it to an arterial street as described in the *Subdivision Bylaw, Municipal Services Standards and Specifications*; and

- iii) Arterial street means a street designed as a main thoroughfare to move traffic in and through the town, and as described in the *Subdivision Bylaw, Municipal Services Standards and Specifications*;
- (s) “Town” means the Town of Truro, corporate;
- (t) “Trunk service” means sewer(s) or waterline primary service, which for reason of design are required to be in excess of the local service as described in the *Subdivision Bylaw, Municipal Services Standards and Specifications*.

### **Levying Methods**

- 4. a) For all local improvements except Stormwater management projects, each Abutter shall pay a frontage charge for any local improvement made pursuant to this Bylaw, which charge is calculated by multiplying the frontage rate for the local improvement by the frontage of the abutting property.
- b) The frontage rate is the amount, expressed in dollars per metre, that represents the total cost of the local improvement to be paid by all owners of abutting properties divided by the aggregate frontage of abutting properties.
- c) For Stormwater management projects, the charge to be paid by Abutters shall be calculated in accordance with section 8D.

### **Apportionment of Costs**

#### **General**

- 5. a) Grants, if obtained, shall be applied to the total cost of service installations before the levying of local improvement charge;
- b) Where there is a petition to provide a secondary service beyond the standard the Town normally provides, it will be done at the expense of the petitioning property owner for the area and will not be guaranteed to be replaced except at the normal standard customary to all other areas of the community;
- c) Where a lateral connection was constructed after 1981, its replacement shall be done without local improvement charge;
- d) Where any sewer, water, or storm sewer system is damaged by an abutting property owner, the cost of repair, maintenance or placement shall be at the cost of and the responsibility of the abutting property owner;
- e) The amount of the costs for local improvements conducted by the Town and the party or parties responsible for payment of such costs are set out in this Bylaw and in Schedule “A” to this Bylaw. Schedule “A” does not apply to capital work projects conducted under section 12 hereof.

## **Trunk Services**

6. a) Trunk services are to be provided by the Town through a planning and budgeting process;
- b) Trunk services that are to serve as a local service, abutters will pay as if it were a local service;
- c) Lateral connection to trunk services:
  - i) Where a direct lateral connection is possible, the standard lateral fee will be applied from the services to the property line; and
  - ii) Where a satellite service is required, the cost shall be shared by all benefitting property owner(s) which are served as determined by design, but in no case shall such costs exceed the frontage cost for a local service.

## **Local Services**

7. a) Where a right-of-way is owned by the Town and a subdivision is proposed, the services shall be paid in accordance with this Bylaw for all new lots created;
- b) In either a new street or in an existing street where the mains must be extended, the cost of laying sanitary sewer, storm sewer and water mains and the cost of connecting the new mains to existing mains shall be paid by the developer;
- c) Connections to trunk services in an arterial street as designated by the *Municipal Planning Strategy*, shall only be made when no other alternative for such servicing exists;
- d) Local service extensions shall be provided by petition or on the authority of the Town and will be cost shared fifty percent (50%) each side for abutting properties;
- e) Lateral connections for any services to the property line shall be provided at a unit cost as prescribed in Schedule "A" attached "Schedule of Costs";
- f) Where electrical power, telephone and cable primary services are located in a street or other right-of-way and a property owner wishes to connect to such services, the arrangements to do so must be approved by the Town and the cost of effecting the connection shall be paid by the owner or developer;
- g) Storm sewer extensions provided by the Town at the request of the developer are paid 100% by the developer unless the storm sewer would benefit the subsoil structure of the street where the street has a relatively low soil permeability (soils having permeability less than 0.001 cm per sec) which will qualify the extension

for cost sharing on the basis of 50% to be paid by the Town and 50% by the developer. The cost sharing may be limited by Council in their discretion to a maximum of \$5,000 per year for any developer or development group.

### **Secondary Services**

8. a) Street lighting shall be provided on every second pole by arrangement between the Nova Scotia Power Corporation and the Town;
- b) Curb and gutter, by petition and installed by the Town as a local improvement project; i) shall be cost shared fifty percent (50%) Town and fifty percent (50%) by the abutter;
- c) A sidewalk, by petition or installed by the Town as a local improvement project i) shall be cost shared fifty percent (50%) Town and fifty percent (50%) by the abutter;
- d) New asphalt paving, by petition or installed by the Town as a local improvement project, shall be cost shared thirty-three and one third percent (33 1/3%) Town plus any cost over the standard 32 width. The remaining sixty-six and two-thirds percent (66 2/3%) shall be shared 50/50 by the abutting property owners each side;
- e) Ramp cuts, by the owners request or installed by the Town as a local improvement project for driveway ramps shall be shared fifty percent (50%) by the Town and fifty percent (50%) by the owner of the lot benefitting;
- f) Pavement cuts, by petition or installed by the Town as a local improvement project (e.g. underground wiring and lateral installation) shall be at the abutters' cost.

### **Stormwater Management Projects**

- 8A. Stormwater management projects may be installed by the Town as local improvement projects, with the cost shared fifty percent (50%) by the Town and fifty percent (50%) by the abutters of the Stormwater management project.
- 8B. In order for a Stormwater management project to proceed as a local improvement, the owners of all properties on which the project will be located must consent to the project, and, if the Town requires, must enter into a written easement agreement for the Town to construct and maintain the project.
- 8C. The construction of a Stormwater management project does not require the Town to maintain or repair the project after it is constructed.
- 8D. Each Abutter of a Stormwater management project installed as a local improvement shall pay a charge for the project calculated as follows:

cost for each Abutter = total portion of the cost of the project that is to be paid by all Abutters / the number of abutting properties.

### **Administrative Guidelines**

9. a) Where new local improvements affects a property which abuts 2 or more streets and the local improvement results in a frontage charge on both or all streets, the charges will be ½ the normal rate;
- b) No new sidewalks shall be installed without curb and gutter.

### **Procedure Before Construction of a Local Improvement Project**

10. One or more owners of abutting properties who are proponents of a local improvement may initiate a petition process in compliance with this section in order to request Council to carry out a local improvement:
  - a) Before circulating a petition, the form of the petition shall be developed with or approved by the Director of Planning and shall include a minimum:
    - i) An accurate description of the nature of the proposed local improvement and its precise geographic location, identified on a plan or diagram showing the local improvement and identifying the abutting properties;
    - ii) An estimate by the Director of Public Works as to the anticipated total cost of the local improvement and the anticipated amount of the frontage rate (or, in the case of a Stormwater management project, the cost per abutting property), but the Town shall not be liable and Abutters shall not be relieved of paying the true amount of the charge in the event that any such estimated proves to be wrong;
    - iii) A petition signature sheet or sheets on which shall be listed beside each signature space the civic address and property identification number of each abutting property according to the Town's records;
    - iv) In the petition sheets, no more than one signature space shall be provided for each abutting property; and
    - v) A warning, in a form satisfactory to the Director of Planning, that estimates may be inaccurate or subject to change.
  - b) The petition shall be circulated by the proponents of the local improvement to the owners of as many abutting properties as reasonably possible.

- c) Where an abutting property has more than one owner, the signature of one owner of an abutting property shall be taken to signify the consent of all other owners of the same property.
- d) The Director of Planning shall review the petitions submitted by the proponent and may carry out such verification or validation process as is deemed appropriate before submitting the petition to Council with an opinion that the petition is valid and signifies majority approval for the proposed local improvement. In the case of Stormwater management projects, majority approval is signified when signatures are obtained from owners of more than half of all abutting properties. In the case of all other local improvements, majority approval by frontage is signified when signatures are obtained from owners of abutting properties having aggregate frontage of more than half of the total frontage of all abutting properties.
- e) Upon receiving a valid petition with majority approval, Council may decide, in its discretion, to construct the local improvement.
- f) If Council decides to construct the local improvement, each abutter shall be sent notice of the decision together with a copy of the petition. Notice shall be sent by ordinary mail to the address shown on the Town's records for the owner of the property.
- g) Council may receive a petition filed with the CAO within 21 days of the date of mailing of the notice of decision pursuant to subsection f) above. Where the Director of Planning concludes that such a petition opposes construction of the local improvement and represents a majority by frontage of the abutting property owners (or, in the case of a Stormwater management project, a majority based on the number of abutting properties), the petition shall be presented to Council who may reconsider its decision to construct the local improvement and either affirm or rescind its previous decision.
- h) Where Council has approved construction of a local improvement pursuant to this Bylaw, but construction of the local improvement has neither commenced nor been contracted for within 3 years of Council approval, the petition and Council's decision to construct the local improvement shall be void.

### **Financial Arrangements**

- 11. a) Upon completion of the construction of a local improvement, the Director of Public Works shall perform a final calculation of the amount of the charge which shall be applied to each abutting property in respect of the local improvement, and shall present a Certificate to the Director of Finance certifying the completion of the local improvement, its total cost and the amount of the charge applicable to each abutting property. The charge shall become effective, and due and payable, subject to subsection (d), upon the filing of such certificate. The certificate shall be



deemed conclusive in respect of the quantification of the charge unless an error is brought to the attention of the Director of Finance within 30 days.

- b) A copy of the certificate shall be sent to the owner of each abutting property via mail, email, or fax to the address shown on the Town's records for the owner.
- c) The charge and interest thereon shall constitute a first lien against each abutting property from the time the charge is effective, and is collectible in the same manner as other taxes, and may be collected at the same time and in the same proceedings as other taxes. The lien remains in effect until the charge, and any interest thereon, has been paid in full.
- d) At the option of the owner of a property which is subject to a charge, the charge may be paid in either of the following ways:
  - i) by payment in full, without interest, within 90 days of the date the certificate was sent to the owner or;
  - ii) by monthly payment arrangements through a signed agreement with the same interest rate as is approved annually by motion of Council for property tax arrears monthly to the unpaid principal balance.
- e) Signed agreements for monthly payment arrangements may provide for repayment over a term of five (5) years for sanitary sewer and storm sewer lateral connections and may provide for repayment over a term of up to 10 (10) years for other local improvements, including streets, sidewalks and storm water management projects.
- f) If an owner of a property that is subject to a charge fails to pay the amount of the charge in full as set out in section 11(d)(i) and fails to make monthly payment arrangements through a signed agreement as set out in section 11(d)(ii), after 90 days have expired from the date the certificate was sent to the owner:
  - i) The full amount of the charge shall immediately become due and owing;
  - ii) Interest accrues on the full amount of the charge at the rate set out in section 11(d)(ii) and shall continue to accrue until the full amount of the charge and interest is paid in full; and,
  - iii) The Town may take such steps as are available to it in law to collect the money owing.
- g) If a property owner defaults in payment under an agreement for monthly payments:
  - i) The full amount of the unpaid balance of the charge shall immediately become due and owing;

- ii) Interest shall accrue on the full amount of the unpaid balance at the rate set out in section 11(d)(ii) and shall continue to accrue until the full amount of the unpaid balance and interest is paid in full; and,
  - iii) The Town may take such steps as are available to it in law to collect the money owing and interest.
- h) Where a Council agrees with a developer of a new street to provide concrete sidewalk, such cost may be shared in accordance with this Bylaw except that section 11(d)(ii) is not available for this purpose and the Town may pay its portion of the cost over 2 fiscal years. This provision does not apply to any service except concrete sidewalks.

### **Capital Works Projects**

12. Council may decide that it is in the public interest to carry out a local improvement project as a budgeted capital work project, the cost for which shall be paid entirely by the Town. Without restricting the scope of projects with respect to which Council may exercise its discretion, the following matters may be carried out as a budgeted capital work project:
- a) Stormwater management, any primary services that are required, including curbs and gutters, in existing streets to appropriately control storm water;
  - b) Pedestrian safety – sidewalks, where, in the opinion of Council, there is a need to construct new sidewalks to complete a system of pedestrian access routes throughout the community with the objective of:
    - i) Having sidewalks on both sides of designated arterial and collector streets as identified in the Land Use Bylaw; and
    - ii) Having sidewalks on at least one side of all other local streets.
  - c) Economic development – develop any primary or secondary services on existing streets, where in the opinion of Council, such works serve as a significant economic benefit to the community.

### **Contract Work**

13. a) A contractor may carry out work in a Town street if the contractor has a permit to do such work from the Town of Truro;
- b) A contractor may acquire a permit to carry out work in a Town street if:
- i) It demonstrates means and ability to carry out street excavation and repair to the satisfaction of the Town Department of Public Works;

- ii) It demonstrates means and ability to pave lateral cuts within the times set out in the paving table below and to replace sidewalk blocks with concrete of a like kind and quality to the original material within 2 days of its removal:

Paving Table	
Street Class	Paving Timeline
Arterial	Immediately
Collector	Within 24 hours
Local Collector	Within 48 hours
Local	Within 5 days

- iii) It provides to the Town either a surety bond issued by a surety company licensed for Nova Scotia or has an approved letter of credit issued by a Canadian chartered bank, which bond or letter of credit is in an amount equivalent to the greater of either the value of work being undertaken or \$5,000;
  - iv) It pays a permit fee of \$500 for each town service being connected or, if no service is being connected, \$200 for any driveway installation or other street cut, and;
  - v) It complies with the provisions of section 14.
- c)
    - i) A permit may be revoked in writing by the Town Engineer who shall give the reasons for doing so which may include, among other things, dissatisfaction with the quality of the workmanship, timeliness of the work, failure to adequately comply with the instructions from Town staff, failure to comply with safety regulations, Town Standards or Provincial regulations or omission of necessary work;
    - ii) The Town Engineer may issue warnings for what the Engineer considers to be minor infractions and may immediately revoke a permit for what the Engineer considers to be a serious infractions.
    - iii) Three warnings by the Engineer within one year shall result in the revocation of the permit.
  - d) A contractor who has had a permit revoked by the Town Engineer may not obtain a new permit until the end of the following construction season;
  - e) Upon failure to get a timely response from a contractor, the Engineer may call on the surety bonding company or the bank providing the letter of credit to provide funds to pay the cost of completing the work of repairing the condition caused by the contractor;

- f) The contractor shall apply for a new permit for each job task beyond what is described on the permit issued.

### **Terms and Conditions for Street Work Permits**

- 14. A permit granted for contract work pursuant to section 13 is subject to the following terms and conditions:
  - a) All work to be designed and constructed to Town of Truro Standards, as per *Subdivision Bylaw/Standard Specifications for Municipal Services*;
  - b) All work:
    - i) Shall be performed at the times directed by the Town's Department of Public Works and;
    - ii) Shall be coordinated to permit such inspections as are required by such Department;
  - c) The contractor shall ensure that the Town's Department of Public Works conducts the tap in connection to the Town's waterlines and either connects or oversees the tap in connection to the Town's sanitary and storm sewer mains;
  - d) All work to be carried out under Occupational Health and Safety Act, and all regulations made pursuant to the N.S.O.H. & S.A. Also, the Temporary Workplace Traffic Control Manual made pursuant to Section 3 of the Public Highways Act;
  - e) The contractor must possess:
    - i) N.S.C.S.A. Safety certification or equivalent including:
      - Excavation Safety, where applicable;
      - Confined Space entry, where applicable;
      - Fall Protection and Scaffolding, where applicable.
    - ii) Traffic Control and Traffic Control Signing Certification;
    - iii) Letter of Good Standing Workman's Compensation Board; and
    - iv) Liability insurance in the minimum amount of \$5,000,000 which names the Town as an insured;
  - f) The Town Engineer has approved the design before the permit is issued;
  - g) Security required by this Bylaw will be released when the public property is restored to predevelopment state provided:

- i) As-built drawings are filed; and
  - ii) A maintenance bond issued by a surety company licensed for Nova Scotia or letter of credit issued by a Canadian chartered bank is provided to the Town in an amount equal to the greater of 10% of the cost of the work or \$5,000, which shall be held for a period of 1 year from the completion of work.
- 15. A property owner or developer of land may also engage the Town of Truro to do work outlined in Section 11 based on the estimates by the Town Engineer subject to this Bylaw.
- 16. The above terms and conditions are not intended for projects contracted by the Town of Truro.

## SCHEDULE "A"

### SCHEDULE OF COSTS

#### SERVICES PROVIDED

#### FEES PAID BY OWNER TO TOWN

#### 1. Sanitary Sewer, Storm Sewer and Waterline Laterals

- 4" sanitary sewer lateral \$1,500 + \$600/metre of depth of sewer main and \$1,000 for sidewalk replacement (if applicable)
- 4" storm sewer lateral if main located on near side of street \$1,000 + \$600/metre of depth of storm main + \$1,000 sidewalk replacement (if applicable)
- if main located on far side of street \$2,000 + \$600/metre of depth of storm main + \$1000 sidewalk replacement (if applicable)
- 4" sanitary and 4" storm sewers in single trench The full cost as set out above for the lateral whose connection is further from the owner's property line and ½ the above cost for the closer lateral connection
- Water lateral costs are set out in the Town of Truro Water Utility Schedule of Rates and Charges

#### 2. Existing Streets

- Sidewalk (if none currently) \$60/metre with Town to pay balance (which is expected to be roughly equal)
- Concrete Curb and Gutter (if none currently) \$60/metre with Town to pay balance (which is expected to be roughly equal)
- Drive-way ramps Actual cost with estimate provided by Town before owner commits
- Curb Cuts Actual cost with estimated provided by Town before owner commits

#### 3. Stormwater Management Projects

Actual costs, to be paid 50% by the Town and 50% by Abutters

