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**A BY-LAW RESPECTING THE MAINTENANCE AND IMPROVEMENT OF  
BARRINGTON LAKE ROAD**

**BY-LAW NO. 40**

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Be it enacted by the Council of the Municipality of the District of Barrington as follows:

**1.0 Short Title**

This By-law shall be known as A By-law Respecting the Maintenance and Improvement of Barrington Lake Road and shall be cited as the "Barrington Lake Road Maintenance and Improvement By-law".

**2.0 Interpretation**

- 2.1 "Act" means the Municipal Government Act, S.N.S., Chapter 18 of the Acts of 1998 (and subsequent amendments).
- 2.2 "Association" means the Barrington Lake Road Association, a body incorporated and in good standing under the Societies Act, which represents the owners within the Charge Area.
- 2.3 "Council" means the Council of the Municipality of the District of Barrington.
- 2.4 "Charge" means a charge imposed pursuant to Section 81 (da) of the Municipal Government Act in an amount to be determined pursuant to this By-law and payable in respect of the road improvement or maintenance.
- 2.5 "Charge Area" means the area in which the Charge is imposed and properties subject to the charge are identified by Assessment Account Number and contained on a list approved and provided by the Barrington Lake Road Association.
- 2.6 "Dwelling" means a residential unit as identified by the Property Valuation Services

Corporation filed roll.

- 2.7 "Improvement" means the work undertaken on this private road to increase or improve upon the existing condition of the road.
- 2.8 "Maintenance" means the work required to maintain the roads' existing or improved condition and for greater certainty includes snow and/or ice removal.
- 2.9 "Municipality" means the Municipality of the District of Barrington.
- 2.10 "Owner" means the assessed owner of taxable property.
- 2.11 "Road" means the Barrington Lake Road.

### **3. Charge Imposed**

- 3.1 The Municipality shall levy a charge for improvements and/or maintenance of the Barrington Lake Road upon the Owners of taxable property within the Charge Area in an annual amount of \$200.00 per property, except for property with more than one Dwelling which shall be charged an annual amount of \$200.00 per Dwelling. For example, if there is one Dwelling on a property the Owner of that property will be charged \$200.00. If there are two Dwellings on a property, the Owner of that property will be charged \$400.00. It shall be the responsibility of the Association to identify properties with more than 1 Dwelling.
- 3.2 The Charge Area includes properties identified by the Barrington Lake Road Association and are further identified by Assessment Account Number.
- 3.3 The Charge will be levied subject to the Barrington Lake Road Association entering into an Agreement with the Municipality which:
  - i) requires that the Association shall be responsible for performing, or contracting, the work associated with the improvement or maintenance of the Barrington Lake Road within the Charge Area;
  - ii) indemnifies and saves harmless the Municipality from any and all liability or responsibility with respect to the work associated with the improvement or maintenance of the Barrington Lake Road in the Charge Area;
  - iii) identifies that the petition forms the basis for the method of Charge; and
  - iv) contains any other clauses as deemed necessary by Municipal Council.
- 3.2 The Municipality of the District of Barrington shall not be included in the definition of

owner as set out in Section 2.10 of this By-law and shall therefore be excluded in consideration in any petition as described in this By-law.

#### **4. Exemptions from Charge**

- 4.1 The Municipality of the District of Barrington shall be exempt from payment of all charges and levies made pursuant to this By-law.

#### **5 Lien**

- 5.1 A Charge imposed pursuant to this By-law constitutes a first lien upon the real property with respect to which the Charge has been made and the Charge shall be collected in the same manner as taxes and shall be made payable in the same manner as taxes, including interest charges.
- 5.2 The lien provided for in this By-law shall remain in effect until the Charge, plus any applicable interest, has been paid in full.

#### **6. Subdivision of Property**

- 6.1 Where a property has been subdivided and an Assessment Account Number(s) assigned to the new parcel(s) of land a prorated amount shall be charged for the first year and the full amount charged for subsequent years.

#### **7. Payment of Charges**

- 7.1 A Charge payable pursuant to this By-law for road improvement and maintenance shall be billed together with the interim and annual tax bills and are due upon the same dates as municipal taxes.
- 7.2. The Charge imposed by this By-law will appear on the tax bill and shall bear interest on any outstanding balance from and after the due date. The interest rate shall be as prescribed by motion of Council with respect to taxes and overdue charges and shall be applied as per this same motion.
- 7.3 The Association shall be responsible for hiring the contactors to carry out requested road improvement and/or maintenance.
- 7.4 Invoices for road improvement and/or maintenance shall be issued in the name of the Barrington Lake Road Association. Invoices submitted to the Municipality for payment must be approved by two officials of the Barrington Lake Road Association. Invoices will not be paid by the Municipality for amounts beyond what has been collected.

## **8. Termination of Charge**

- 8.1 The Charge imposed pursuant to this By-law for road improvement and/or maintenance may be terminated at any time:
- (a) by the Association filing with the Municipality a certified copy of a Special Resolution of the Association passed at a duly constituted meeting, called for that purpose, requesting the Municipality to terminate the Charge or;
  - (b) by the Municipality at its own discretion, if there has been non-compliance by the Association with the provisions of the By-law.
  - (c) In either case, upon the CAO filing with the Municipality a Certificate stating that all monies payable pursuant to this Charge have been collected, this By-law shall thenceforth have no further force or effect within the Charge Area.
  - (d) Any balance in the fund will be used for road improvements or refunded to the property owner by way of credit to their tax account.

