

CHAPTER 28 - CURBS AND SIDEWALK CHARGES

Council: Nov. 9, 1966  
Minister: Dec. 15, 1966  
Amended: August 4, 1981  
Amended: July 5, 1982

1. The Town Council by resolution may order and direct that a permanent curb, gutter and sidewalk or any or either of them be installed, laid or constructed on any street in the Town, with such materials as the Council deems necessary or advisable.
2. (a) Net costs incurred in installing, laying or constructing any such curb, gutter and sidewalk shall be recovered from property owners abutting the street affected in proportion to the length of frontage of each property in accordance with "2(B)", provided however, that a corner lot adjacent to two streets on which any of such improvements are being made shall be rated only on that street on which it has the longest frontage, unless the frontage on the other street exceeds sixty feet, in which case, the excess over sixty feet shall be rated in addition to the frontage on the longer side.  
  
(b) Where construction is undertaken upon receipt of a petition signed by residents of a street owning more than 50% of property fronting on the street, costs recovered by frontage tax shall be 60% of costs of construction to a maximum amount of \$10.00 per foot frontage of lots abutting the street affected.
3. The Town engineer shall keep an account of the cost of any such work and on its completion shall file in the Town Clerk's office:  
  
(a) a statement of the cost of the work; the amount to be paid by the Town pursuant to clause (a) of Section 2; the total lineal frontage and the cost per foot to be paid by abutters;  
  
(b) a statement of the lineal frontage of each property with the name of the owner thereof.
4. The Town Clerk, from the statements filed by the Engineer, shall determine the amount of charge or tax to be assessed and levied upon and paid by the respective owners of properties abutting the street on which the curb, gutter or sidewalk construction occurred.
5. Every charge or tax imposed under the provisions of this by-law shall constitute a lien upon the real property affected, as is provided for rates and taxes by Section 153 of Chapter 14 of R.S.N.S., 1967, the Assessment Act, and shall be collectible in the same manner as rates and taxes on real property are collected, under the Assessment Act.
6. (1) Such charge or tax shall be due and payable on the 15th day of June (amended July 15, 1969) after being mailed by ordinary mail to the person liable and at the option of the respective persons liable may be paid in either of the following ways:  
  
(a) by one lump sum payment in the year in which the charge or tax is assessed; or

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6. (b) by equal annual payments, each payable on the anniversary of the date on which the amount became due and payable, extended over the period of ten years with interest payable thereon annually at the rate of fifteen per centum (amended August 4, 1981) per annum with power however to prepay the whole or any part of the amount remaining, at any time, without notice and provided that if default is made in the payment of any annual payment or interest or both when it falls due then the whole balance immediately becomes due and payable without notice or demand.

(2) The property owner affected shall within one month after receiving his bill, notify the Town Clerk in writing which option he has selected under subsection (1), and in event of his failure to do so, shall be deemed to have selected that provided by clause (b) thereof.

7. Whenever the Town Council deems it advisable to repair any then existing curb, gutter or sidewalk, the cost thereof shall be paid out of the general revenues of the Town.

8. Notwithstanding anything contained in the preceding sections of this by-law, Town Council may from time to time direct, where special or peculiar circumstances exist with respect to a certain street or streets, that curbs gutters and sidewalks, or any of them, be constructed thereon, with the whole cost thereof to be paid out of the general revenues of the Town.

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