

**Halifax Regional Municipality  
By-Law Number P-1100  
Respecting Charges for Private Road Maintenance**

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

**Short Title**

1. This by-law shall be known as Bylaw P-1100 and may be cited as the “Private Road Maintenance By-Law”.

**Charge Imposed**

2. (1) Upon request of a Property Owner’s Association incorporated for the purpose of managing the maintenance of a Private Road, the Municipality may enter into an agreement with the Property Owner’s Association under which the Association shall accept responsibility for the implementation and administration of the maintenance services on the private road.

(2) Funding of the costs of private road maintenance and associated administration costs shall be collected by an Area Rate or Uniform Charge from the owners of properties benefiting from the road maintenance.

(3) Payment of the Area Rate or Uniform Charge collected by the Municipality will be made only to the Property Owner’s Association.

(4) All private road maintenance shall be performed under the control and direction of the Property Owner’s Association and the Property Owner’s Association shall be solely accountable for the proper expenditure of the funds collected by the Municipality and forwarded to the Property Owner’s Association.

(5) An Area Rate or Uniform Charge is hereby imposed in those areas described in the Schedules to Administrative Order Number 45 as is more particularly set out in the Schedules.

(6) Area Rates or Uniform Charges imposed pursuant to the provisions of this by-law may be adjusted by Council upon application from the Property Owner’s Association.

**Lien**

3. (1) An Area Rate or Uniform Charge imposed pursuant to this by-law constitutes a lien on a property in the same manner and with the same effect as rates and taxes under the Municipal Government Act.

(2) A charge imposed pursuant to this by-law is collectible in the same manner as rates and taxes under the Municipal Government Act and, unless the Treasurer directs otherwise, is

collectible at the same time and by the same proceedings as are rates and taxes.

(3) The lien provided for in this by-law shall remain in effect until the charge plus interest has been paid in full.

(4) 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.

(5) The market value of the lots so created must be confirmed by an accredited appraiser and written confirmation submitted to the Treasurer or his/her designate, in the prescribed form.

### **Interest**

4. Interest shall accrue on charges outstanding from the date of billing at a rate equal to the prime rate of the Municipality's banker plus four percent.

### **Capital Improvements**

5. Recovery for costs related to the construction or capital improvement of private roads is not provided for in this by-law.

Done and passed in Council this 13<sup>th</sup> day of May, 2008.

Mayor \_\_\_\_\_

Municipal Clerk \_\_\_\_\_

I, Julia Horncastle, Acting Municipal Clerk of Halifax Regional Municipality, hereby certify that the above noted By-law was passed by a meeting of Halifax Regional Council held on May 13, 2008.

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Julia Horncastle, Acting Municipal Clerk

Notice of Motion:	April 15, 2008
First Reading:	April 22, 2008
Notice of Public Hearing Publication:	April 26, 2008
Second Reading:	May 13, 2008
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	May 17, 2008