

# PROPOSED

## MUNICIPALITY OF THE DISTRICT OF LUNENBURG A BY-LAW RESPECTING THE MAINTENANCE AND IMPROVEMENT OF PRIVATE ROADS

Be it enacted by the Council of the Municipality of the District of Lunenburg, under the authority vested in it by Sections 75 and 81 of the *Municipal Government Act*, that a By-Law Respecting the Maintenance and Improvement of Private Roads be adopted as follows:

### Short Title

1 This By-law may be cited as the *Private Roads By-law*.

### Interpretation

2 In this By-law,

- (a) "Act" means the *Municipal Government Act*;
- (b) "applicant" means a landowner on a private road in the Municipality who requested Council to designate a Charge Area as per Subsection 8(1);
- (c) "association" means a non-profit society formed for the purpose of representing the landowners of within a Charge Area, incorporated under the *Societies Act* and registered with the provincial Registry of Joint Stock Companies;
- (d) "Council" means the Council of the Municipality of the District of Lunenburg;
- (e) "charge" means a charge imposed pursuant to Subsection 75(2) or Clause 81(1)(da) of the *Municipal Government Act* in an amount determined in this By-law and payable in respect of the private road maintenance or improvement;
- (f) "Charge Area" means an area to which a charge is imposed, physically defined in a petition or a request submitted pursuant to this By-law;
- (g) "improvement" means the work undertaken on a private road to improve upon the existing condition or to increase the service level of the private road;

- (h) “landowner” means
  - (i) an owner, part owner, joint owner, tenant in common or joint tenant, excluding the Municipality, of any interest in the whole or any part of parcel of land or a building in a Charge Area and having the right to use the private road;
  - (ii) in the absence or incapacity of a person having ownership of any interest in the parcel of land or building, a trustee, executor, guardian, agent, representative, mortgagee in possession, or any other person having the care or control of land or building in a Charge Area and having the right to use the private road; or
  - (iii) in the absence of proof to the contrary, the person assessed for the property tax on the parcel of land or building in a Charge Area and having the right to use the private road;

and for the purpose of calculating the percentage of landowners in Section 3, a parcel of real property with more than one landowner shall be counted as having one owner;

- (i) “maintenance” means the work undertaken on a private road to sustain the existing condition or service level of the private road, including but not limited to snowplowing, brush-cutting, pothole-filing, repaving;
- (j) “Municipality” means the Municipality of the District of Lunenburg; and
- (k) “private road” means an access or a right-of entry not owned by the Municipality or the Province of Nova Scotia, and includes roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads.

### **Prerequisite for a Charge Collection Agreement**

**3** Municipality may collect charges only where

- (a) more than one-half of the landowners in a Charge Area have filed a petition with the Development Officer, requesting that the charges be collected; or
- (b) the Council has accepted the request of an applicant, if the petition requirements on Clause (a) cannot be met.