



REGION OF QUEENS MUNICIPALITY
BYLAW NO. 27
A BYLAW RESPECTING PRIVATE ROAD MAINTENCE CHARGES

BE IT ENACTED by the Council of Region of Queens Municipality, under the authority of the *Municipal Government Act*, S.N.S. 1998, Chapter 18, as follows:

1. TITLE

(1) This bylaw shall be known as Bylaw Number 27 and may be cited as the “Private Road Maintenance Charges Bylaw”.

2. INTERPRETATION

(1) In this Bylaw,

- a. “**Act**” means the *Municipal Government Act*;
- b. “**Administrative Fee**” means a fee charged by the municipality to the lot owners associations for the cost associated with administering the agreement.
- c. “**AAN**” means the Assessment Account Number assigned to a property by the Property Valuation Services Corporation;
- d. “**Association**” means a non-profit society incorporated under the *Societies Act*, and for the purposes of this bylaw refers to both large and small lot owners’ associations;

- i. Large lot owners' associations means an association with a membership or eligibility for membership of the owners of more than 500 lots; and
 - ii. Small lot owners' associations means an association with a membership or eligibility for membership of the owners of 500 or fewer lots
- e. **“Approved charge revenues”** means the total amount of funds the municipality budgets to collect on behalf of lot owners' associations and small community applicants for each agreement made under this Bylaw;
- f. **“CAO”** means the Chief Administrative Officer of the Region of Queens Municipality or their designate;
- g. **“Charge”** means a charge imposed under subsection 75(2) or clause 81(1)(da) of the Act payable by property owners other than the Municipality, the Province of Nova Scotia, the Government of Canada, or owners of private roads in the charge area, in respect of private road maintenance or improvement in an amount determined by an Association or a Small Community Applicant and which charge is specified in an agreement with the Municipality;
- h. **“Charge Area”** means an area, which must correspond exactly to eligibility for membership in the proponent association as graphically defined in a map in an application submitted under this Bylaw which includes all properties subject to the charge imposed under this Bylaw for administration, maintenance or improvement of private roads in or providing access to the area;
- i. **“Fiscal Year”** means the period from April 1 in one year to March 31 in the following year, inclusive;
- j. **“Flat Rate”** means a uniform charge such as (but not restricted to) a charge per lot, per dwelling, per vacant lot, or based on other criteria, however nothing within this bylaw precludes a lower flat rate charge for defined areas within the charge area;

- k. **“Improvement”** means work undertaken on a private road to improve its existing condition or increase its service level and is synonymous with “capital projects”;
- l. **“Landowner”** means a person or persons shown as the owner of land within a Charge Area on the assessment roll of the Municipality but excludes the Municipality, the Province of Nova Scotia or the Government of Canada and those associated entities which would be exempt from property taxation;
- m. **“Maintenance”** means work undertaken to sustain the existing condition or service level of a private road, including but not limited to grading, snowplowing, brush cutting, pothole filling, repaving or resurfacing.
 - i. Eligible expenses for Associations may also include a reasonable allocation of book-keeping, administrative expenses, surveying, legal and data collection & storage attributable to its private road maintenance and capital projects.
- n. **“Municipality”** means Region of Queens Municipality;
- o. **“Private Road”** means a road, track or laneway not owned by the Municipality or the Province of Nova Scotia and includes associated roads, bridges, culverts, sidewalks, gutters, and retaining walls; and
- p. **“Small Community Applicant”** means a landowner or group of landowners with property accessed by a private road within the Municipality making an application on behalf of property owners using such private road access to their properties and for whom, in the sole opinion of the CAO, it is impractical or uneconomic to incorporate an Association.

3. AUTHORIZATION

(1) By enacting this Bylaw, Council authorizes the CAO to:

- a. approve applications from Associations and Small Community Applicants;
- b. designate Charge Areas;
- c. levy private road maintenance or improvement charges;
- d. enter into private road maintenance charge agreements with Associations and Small Community Applicants pursuant to this Bylaw; and
- e. The CAO may reasonably waive non-compliance with the requirements of this bylaw or the agreement at their sole discretion providing the non-compliance is minor and subject to reasonably timely remediation.

(2) In exercising the authority under this section, the CAO shall be satisfied that reasonable steps have been taken to notify landowners within the proposed Charge Area and that the level of support or lack of opposition has been adequately demonstrated in accordance with this Bylaw.

(3) In administering this Bylaw, the Chief Administrative Officer may exercise discretion and judgment as the Chief Administrative Officer considers appropriate, provided that such discretion is exercised in a manner not inconsistent with this Bylaw and applicable legislation. The Chief Administrative Officer may delegate any authority granted under this Bylaw to a municipal employee, subject to any limitations the Chief Administrative Officer considers appropriate. Council shall not make individual decisions under this Bylaw, except where required by legislation.

4. APPLICATION REQUIREMENTS

(1) An Association applying under this Bylaw shall submit, on or before February 1 of the year preceding the fiscal year to which the charge will apply, unless an extension is approved by the CAO:

- a. a map or plan defining the Charge Area, property boundaries, and the length and width of the private road;
- b. a copy of the memorandum and bylaws of the Association;
- c. an estimated operating or capital budget for the applicable fiscal year, clearly identifying all charge methods;
- d. meeting minutes approving the budget, signed by an authorized officer;
- e. a proposed flat rate method of collecting charges;
- f. a list of all properties within the Charge Area, including corresponding AANs, identifying the proposed charge classification for each property;
- g. written evidence of support from at least sixty-seven percent (67%) of landowners within the proposed Charge Area, which may include signed petitions, resolutions of the Association at an annual general meeting, considered and supported by 67% of the attending association's membership, or written consents in a form acceptable to the CAO; and
- h. any additional information required by the CAO.

(2) A Small Community Applicant applying under this Bylaw shall submit, on or before February 1 of the year preceding the fiscal year to which the charge will apply, unless an extension is approved by the CAO:

- a. a plan diagram or map defining the Charge Area, property boundaries, and the length and width of the private road;
- b. an itemized and reasonable operating budget for the next fiscal year;
- c. a proposed flat rate method of collecting charges;

- d. a list of all properties within the Charge Area, including corresponding AANs, identifying the proposed charge classification for each property;
- e. written evidence of support from at least sixty-seven percent (67%) of landowners within the proposed Charge Area, which may include signed petitions, written consents, or other documentation acceptable to the CAO; and
- f. any additional information required by the CAO.

5. METHODS OF COLLECTING CHARGES

(1) Charges imposed under this Bylaw shall:

- a. be levied as flat rates only;
- b. include no more than four rates,
- c. be clearly identified in the approved budget; and
- d. be approved by the CAO and included in an agreement with the Municipality.

6. ASSOCIATION REQUIREMENTS

(1) An Association's memorandum and bylaws shall:

- a. state that its purpose is private road maintenance and/or improvement;
- b. restrict membership to landowners within the Charge Area; and
- c. include at least 67% of landowners within the Charge Area.

7. NOTICE TO LANDOWNERS

(1) An Association or Small Community Applicant shall be responsible for providing written notice of a proposed application under this Bylaw to all landowners within the proposed Charge Area

(2) Notice under subsection (1) shall, at a minimum:

- a. be provided by ordinary mail to the mailing address shown on the latest available assessment roll or by tracked email to the email address in the Association's or Small Community Applicant's records;
- b. describe the proposed Charge Area, the nature of the charge, and the estimated annual amount;
- c. identify the proposed classes of charges;
- d. advise landowners of how and by what date written comments or objections may be submitted to the Association or Small Community Applicant; and
- e. in the event an Association is planning to use a resolution of the Association, then it must also provide the date, time and location of the Annual general meeting (AGM) in this communication and must provide a minimum of 30 days' notice prior to an AGM.

(3) The Association or Small Community Applicant shall submit to the Municipality a statutory declaration or other evidence satisfactory to the CAO confirming that notice has been provided in accordance with this section and outlining information satisfactory to the CAO about all objections received.

(4) Notice is deemed to have been given:

- a. within Nova Scotia, on the third day after the date of mailing; or
- b. outside Nova Scotia, on the ninth day after the date of mailing.

- c. If notice is provided by email, the date the recipient has opened the email.
- (5) The CAO may rely on the evidence provided under subsection (3) and may consider the absence of written objections by the deadline specified in the notice as an indication that landowners are not actively opposed to the proposed charge.

8. MUNICIPAL LIMITATION OF LIABILITY

(1) For greater certainty:

- a. the Municipality's responsibilities under this Bylaw and under any annual agreement do not extend to actual private road maintenance or to assessing or enforcing the safety or serviceability of Private Roads, including those within a Charge Area;
- b. the Municipality will not provide engineering, technical, or professional services or advice with respect to Private Roads or the governance or internal affairs of an Association or Small Community Applicant;
- c. the Municipality has no responsibility to ensure the adequacy of private road infrastructure for accessibility by emergency vehicles, school buses, or garbage collection vehicles, nor any responsibility to ensure that more than one exit is available in the event of forest fires, floods, or other emergencies;
- d. the Municipality's responsibilities in respect of private road maintenance are strictly limited to the billing and collection of Charges and the administration of this Bylaw and any annual agreements;
- e. the Municipality is entitled to rely on and treat any documents signed by officers or directors of an Association who are contemporaneously listed with the Registry of Joint Stock

Companies as having been duly authorized by the Association, without any obligation to inquire into the actual authority of those persons;

- f. an Association or Small Community Applicant is not an agent of the Municipality and shall not represent itself, or be held out, as an agent of the Municipality;
- g. the Municipality assumes no liability for any work performed or not performed by an Association or Small Community Applicant;
- h. the Municipality does not collect or remit HST on behalf of an Association or Small Community Applicant and is not an agent of or for an Association or Small Community Applicant save and except for the very limited purposes identified in clause (d) of this section;
- i. Associations and Small Community Applicants shall not have access to Municipal staff, equipment, or resources for private road maintenance or improvement; and
- j. The Municipality, the Province of Nova Scotia and the Government of Canada are excluded from the definition of Landowners in this Bylaw and are not subject to any charges under this Bylaw.

9. CHARGE COLLECTION AGREEMENT

(1) Upon approval of an application, the CAO may enter into an agreement with an Association or Small Community Applicant which shall include provisions respecting:

- a. responsibility for carrying out or contracting all work;
- b. limitations and restrictions upon the liability of the Municipality and provisions for the indemnification of the Municipality;
- c. charge calculation and collection method;

- d. term and renewal conditions;
- e. Associations shall maintain active status at the Registry of Joint Stock Companies, hold annual general meetings, approve annual budgets, and provide reporting required by the Municipality during the term of the agreement.
- f. Agreements may be for up to 5 years, and unless otherwise notified by either party the agreement will automatically renew,
- g. All agreement reporting requirements shall be subject to Table A in the Municipality's Operational Policy #23 - Financial Reporting Requirements; and
- h. any additional terms required by the CAO.

10. BILLING AND DUE DATE

- (1) The Municipality shall include the Charge applicable to each lot on its tax bills for that fiscal year, and the Charges shall be due and payable by the owners of the lots in the Charge Area at the same time as other property taxes payable to the Municipality for that fiscal year are due and payable, and overdue Charges shall accrue interest in the same manner and at the same rate as such taxes.

11. CHARGES AND INTEREST ARE LIENS

- (1) Charges and interest imposed under this Bylaw constitute a first lien on the property.

12. FEES AND PAYOUTS

- (1) An application fee of three hundred and twenty-five dollars (\$325), plus applicable HST, is payable at the time of application.

(2) An administrative fee for large lot owners' associations is \$1000 in year 1 and \$500 in subsequent years of the agreement, the municipality has the right to revise these fees upon renewal of the 5-year agreement, or by amendment to this bylaw, by motion of council.

(3) An administrative fee for small lot owners' associations and small community applicants will be \$500 for the first year and \$250 in subsequent years of the agreement, the municipality has the right to revise these fees upon renewal of the 5-year agreement, or by amendment to this bylaw, by motion of council.

(4) Approved charge revenues, net of the administration fee, shall be paid out to the Association or Small Community Applicant on or about July 31st of each fiscal year.

13. TERMINATION OF AGREEMENT

(1) The CAO may decline to renew an agreement made under Section 9, if:

- a. an Association submits a certified copy of a special resolution passed to terminate the agreement;
- b. a Small Community Applicant submits a letter of consent to terminate the agreement;
- c. an applicant or association breaches any of the clauses in the agreement;
- d. an applicant does not meet the conditions for the renewal of the agreement after the agreement expires; or
- e. By motion of municipal council with a minimum of twelve months' written notice to all parties.

(2) The CAO may Terminate an agreement with immediate effect if;

- a. a Lot Owners Association or Small Community Applicant is found to be in repeated violation of this Bylaw or the terms of the agreement;

- b. a Lot Owners Association or Small Community Applicant fails to remedy a violation of this Bylaw or the agreement within a specified period following written notice from the Municipality;
- c. a Lot Owners Association or Small Community Applicant provides false, misleading, or incomplete information in relation to the agreement;
- d. a Lot Owners Association or Small Community Applicant fails to properly administer, account for, or use funds collected under the agreement in accordance with its terms; or
- e. an applicant has transferred the agreement without the consent of the Municipality.
- f. a Lot Owners Association or Small Community Applicant ceases to operate, becomes inactive, or is otherwise unable to fulfill its obligations under the agreement.

14. EFFECTIVE DATE

(1) This Bylaw comes into force on the date of publication.

OFFICIAL CERTIFICATION

THIS IS TO CERTIFY THAT this bylaw was passed by the Council of Region of Queens Municipality at a duly constituted meeting of said Council held on the 23rd day of June, 2026.

SIGNED by the Mayor and Municipal Clerk this 3rd day of July, 2026.

Mayor

