



LOCAL IMPROVEMENT PROCEDURE	
Policy Number	05-2500-01
Original Print	July 14, 2014
First Revision	February 12, 2018
Second Revision	January 16, 2020
Policy Statement	Part 12 of New Brunswick’s Local Governance Act gives Council the authority to undertake any capital works project as a local improvement. As this local improvement process provides Council with a cost effective method to undertake improvements to streets and sidewalks within the municipality, guidelines shall be put into place to ensure fairness and continuity for all residents affected.

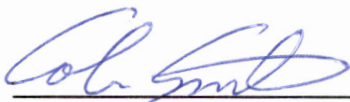
Purpose

The purpose of this procedure is to establish guidelines for all Local Improvement projects undertaken in the Town of Riverview.

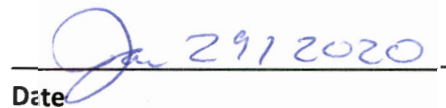
Procedure

- 1) Upon establishing the need for a local improvement project, the Director of Engineering & Public Works will provide the Town Clerk with a detailed description of the project, including the cost of the entire project and the local improvement charge per each parcel of land.
- 2) The charge per each parcel of land shall be formulated using a rate of \$115 per metre frontage.
- 3) When formulating the rate of assessment, the charge for corner lots will be based on a percentage of the property’s diagonal frontage. This method will apply to those corner lots where
 - a. the intersecting street has already been done through a local improvement, or
 - b. the possibility exists that the intersecting street will be done at some time in the future, and
 - c. corner lots (90 degree property corner) located along a crescent or street will be charged using the same formula.
- 4) Appendix “A” shows an illustrated example of the calculation used to determine the assessment rate for corner lots.
- 5) Using the information provided, the Town Clerk will prepare notices for the owner of each parcel of land informing them of the upcoming local improvement project. These notices shall include a summary of the local improvement; the entire cost of the project; the billable metre frontage per each parcel of land, and the total assessment per each parcel of land. The notice shall also provide property owners with the date of the Open House, the date of the Public Hearing and the deadline for objections. A draft of the notice is attached as Appendix “B”.
- 6) Accompanying the notice provided to residents will be a letter from the CAO outlining the Local Improvement process. A draft of this letter is attached as Appendix “C”.

- 7) A public notice containing a brief summary of the local improvement; the entire cost of the project, the total billable metre frontage for each project and the dates of the Open House, Public Hearing and deadline for objections will be posted to the Town's website.
- 8) Council will be advised at the earliest possible Council meeting, but before the notices are sent, of the current year's local improvement projects. A draft copy of the Council Report Form is attached as Appendix "D".
- 9) The Town Clerk will prepare a Local Improvement By-Law for each project which shall include a description of the local improvement project, a drawing showing the area which is the subject of the project and the parcels of land that will be affected; a statement of the total cost of the local improvement and the mechanism for determining that cost; and the total cost that will be levied to the parcels of land included in the local improvement and the mechanism for determining and recovering that cost. The By-Law will be presented at subsequent Regular Council Meetings for first, second and third readings.
- 10) If determined to be necessary and subsequent to the first reading of the by-law an Open House will be held with presentations from the Director of Engineering, Director of Finance, Town Clerk and CAO explaining in more detail the local improvement process and giving residents an opportunity to ask questions.
- 11) Any written objections received shall be forwarded to the Director of Engineering & Public Works and the Town Clerk for review before the Public Hearing.
- 12) Also subsequent to the first reading of the by-law, a Public Hearing will be held to hear written objections from residents.
- 13) Following the enactment of the by-law, a list of all properties, property owners and assessment charges, along with a copy of the Local Improvement By-Law, is to be forwarded to the Accounting Supervisor.
- 14) Prior to the start of construction, the Engineering & Public Works Department will contact all property owners with further details related to the construction schedule.
- 15) Upon issuance of the Certificate of Final Acceptance to the Town Clerk, the Clerk shall advise the Accounting Supervisor who will subsequently forward invoices to all property owners.
- 16) Any entity that provides municipal services to the Town of Riverview under an agreement or contract shall not be affected by any local improvement charges.



Colin Smith
Chief Administrative Officer



Date

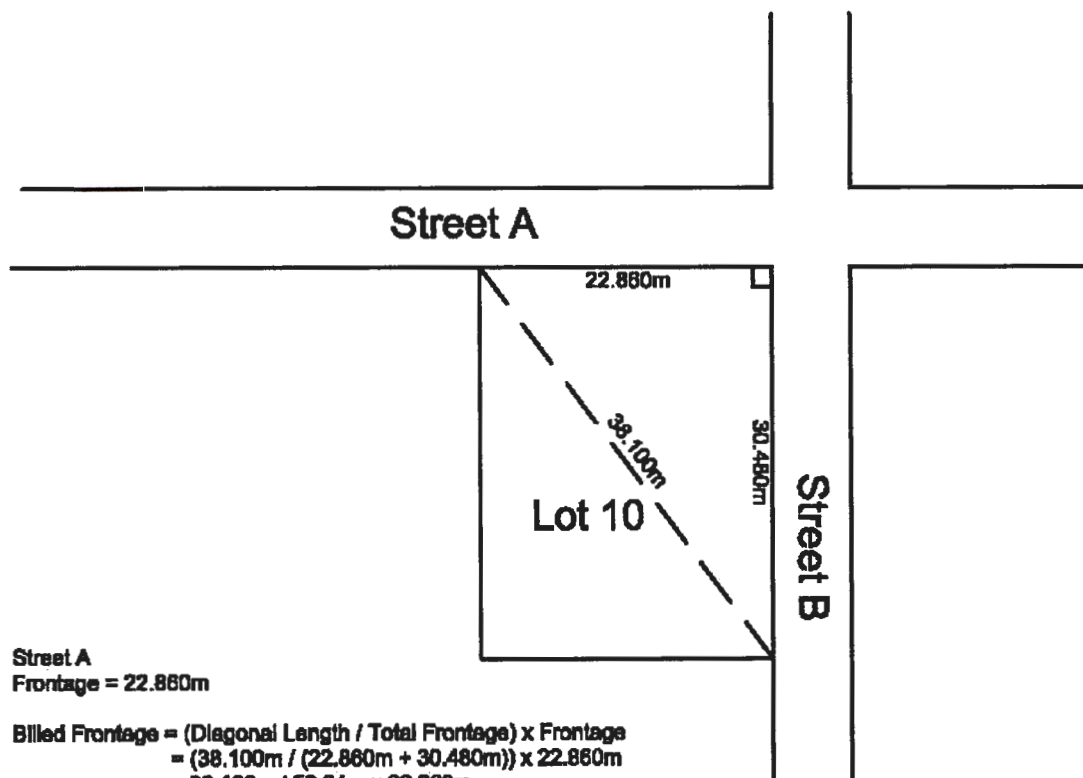
APPENDIX "A"

The Town will be performing a local improvement project on Street A and Streets B, C & D are scheduled to be completed within the next ten years.

Under this policy, the charge to the owners of the corner lots is not based on the actual property fronting the street but rather on the diagonal frontage.

To determine what percentage of the length of the diagonal would be equivalent to the percentage of the actual total frontage on both streets, the following formula would be used:

$$\text{Diagonal Length} / \text{Total Frontage} \times \text{Frontage}$$



Street A
Frontage = 22.860m

$$\begin{aligned} \text{Billed Frontage} &= (\text{Diagonal Length} / \text{Total Frontage}) \times \text{Frontage} \\ &= (38.100\text{m} / (22.860\text{m} + 30.480\text{m})) \times 22.860\text{m} \\ &= 38.100\text{m} / 53.34\text{m} \times 22.860\text{m} \\ &= 16.329\text{m} \end{aligned}$$

Street B
Frontage = 30.480m

$$\begin{aligned} \text{Billed Frontage} &= (\text{Diagonal Length} / \text{Total Frontage}) \times \text{Frontage} \\ &= (38.100\text{m} / (22.860\text{m} + 30.480\text{m})) \times 30.480\text{m} \\ &= 38.100\text{m} / 53.340\text{m} \times 30.480\text{m} \\ &= 21.771\text{m} \end{aligned}$$

APPENDIX "B"

Date

NOTICE OF PROPOSED LOCAL IMPROVEMENT

Street Name

Name:

P.I.D. #:

Property
Address:

The Council of the Town of Riverview, pursuant to the authority vested in it under the provisions of the Local Governance Act R.S.N.B. 2018, c. 18, hereby gives notice that it intends to pass a by-law to undertake a local improvement, to be paid for by special frontage assessment against all abutting properties on <Street Name>.

The work on <Street Name> will include a <full description, ie. water main replacement and full reconstruction of approximately 340m of roadway, including all materials, equipment and labour required for the construction of a new roadbed, new storm sewer main, storm detention pond, manholes, catch basins, new water main, water laterals, new fire hydrants, concrete curb and gutter, asphalt base, and sanitary and storm sewer main upgrades.>

Each property owner's portion of the cost is assessed by a frontage assessment of their property, which abuts any portion of the street, at the rate of \$115 per metre frontage. A reduction shall be made in the case of irregularly shaped lots and corner lots situated at the junction or intersection of streets. While the total estimated cost of the entire work for <Street Name> is <total cost of project>, the total local improvement charge for the street, based on the per metre frontage assessment, is <total local improvement cost>. This is based on a total of <total of billable metre frontage> billable metre frontage of all abutting parcels on the street.

The billable metre frontage for <property address> has been determined to be <metre frontage> and the total assessment to be applied to your property is <cost to property owner>.

Upon issuance of the Certificate of Final Completion, an invoice will be issued from the Town of Riverview which will be due and payable within 60 days. The balance can also be paid in annual installments for a period of no longer than ten (10) years and a lien will be placed on the property. If paying by installments, annual interest charges will be applied. The annual payment each year will be calculated at 10% of the principal, plus the accumulated interest on the full amount of the principal outstanding to the date of payment.

To help property owners and residents understand the Local Improvement process and construction details, **an Open House is scheduled for <time and date> at the Town Hall, located at 30 Honour House Court.**

Property owners who have objections to the Local Improvement project should submit written objections to the Town Clerk through email at clerk@townofriverview.ca, or regular mail at 30 Honour House Court, Riverview, NB E1B 3Y9. **A Public Hearing to hear all objections will be held on <time and date> in Council Chambers at 30 Honour House Court.**

Residents should note that Council meetings are public meetings and information submitted to Council and any associated attachments, will become part of the public record and will be distributed to Council, Staff, Media and the Public. If you are writing as an individual in a personal capacity, you will be listed as a correspondent in any relevant agendas, decisions and minutes. These documents are posted online, so the listing of your name in connection with an agenda item may be indexed by search engines such as Google. Your consent to make your written submission part of the public record as described above is implied by way of your submission to Council.

Property owners will be contacted by Riverview's Engineering Department prior to the start of construction with further details related to the construction schedule.

If you have any questions about the collection and use of this information or concerns regarding the local improvement on your street, please do not hesitate to contact the undersigned through email at clerk@townofriverview.ca or by calling 506-387-2136.

Yours truly,

Director of Corporate Services/Town Clerk

APPENDIX "C"

<Year> Is Your Year For Street Upgrades & Improvements <Street Names>

For more than 35 years, Riverview has successfully implemented a shared-cost program with homeowners, helping the town make important residential street improvements more quickly.

Faced with a backlog of open ditch streets, this initiative has enabled our engineering department to develop a comprehensive street local improvement plan, allowing us to carry out the much-needed work faster and more efficiently.

As we near the halfway mark of this program, we want to ensure that you, as a property owner, understands how the one-time local improvement levy works, and the many benefits it provides once the work on your street is completed.

Making your street safer, protecting your property from potential damage, and improving the look of your neighbourhood

The upgrades planned for your street will have benefits now and for decades to come including:

- Reduced risk of water main breaks
- Reduced risk of flooding and potential property damage associated
- Reduced wear and tear on vehicles
- Improved safety for all modes of transportation (pedestrians, bikes, and motorists)
- Improved water systems for firefighters
- Improved aesthetics
- Easier plowing/street maintenance
- Easier landscaping/property maintenance
- Option for street parking

Providing an affordable payment option

To accommodate our residents, all property owners have the option of paying their share 60 days after the work is completed, or spreading the cost over 10 years. This long-term option has ensured that the tax levy does not cause a burdensome expense while homeowners enjoy the immediate benefits.

Answering your questions

Attached you will find the formal notice with the cost assessment for your frontage as well as details for the scheduled Open House where we will answer any questions or concerns regarding the local improvements on your street.

For more information, you can also visit www.townofriverview.ca/streetconstruction in advance, to review the FAQs (Frequently Asked Questions).

Colin Smith
Chief Administrative Officer

Town of Riverview

COUNCIL REPORT FORM

Presented to: Mayor & Council

Department: Corporate Services

Date: *Click or tap to enter a date.*

Subject: *[Title]*



BACKGROUND

Staff has begun work on the <year? Local Improvement projects. Local Improvements will be completed this year on

- <Street Names>

Attached is a copy of the town's Local Improvement Guidelines which outlines the process that will be taken and the communication of that process to the affected residents.

TIMELINE FOR <Year> LOCAL IMPROVEMENT PROJECTS

In 2019 the Town of Riverview is proposing to complete local improvement projects on the aforementioned four streets. Providing all by-laws get passed by Council and there aren't any unforeseen delays, the following timeline will be used:

- <Date> Send "Notice of Proposed Local Improvement" to all property owners affected by the project. Publish a public notice on our website.
- <Date> Open House to relay detailed information on each street to affected property owners.
- <Date> Deadline for written objections from property owners.
- <Date> Public Hearing for all streets and 1st reading of all by-laws.
- <Date> 2nd and 3rd reading and enactment of all by-laws.

The "Notice of Proposed Local Improvement" will include a summary of the local improvement, the costs specified in the by-law and a statement that the owner may file a written objection within 30 days.

In addition to the above timeline, the Engineering Department will be sending letters to homeowners updating them on construction schedules, including any interruption to the water supply as the system is switched over to a temporary water distribution system and the eventual restriction of driveway access when the new curb and gutter is installed and driveway restoration is conducted.

The temporary water system will meet all provincial guidelines and become part of the Town's water distribution system.

Questions & Answers

As councillors you will likely receive questions from the property owners concerning the history of local improvements and what gives us the right to charge it, etc. Here is a Q&A for general questions property owners may have. If they would like further details concerning the by-law and charges or the construction process, please refer them to myself at 387-2136 or the Engineering Department at 387-2030.

Q: What is a local improvement?

A: Local improvements are construction projects that Council considers to be of greater benefit to a particular local street. The extra revenue received from the LI rate allows the Town to address more streets per year as Council works to reduce the remaining backlog of open ditch streets in the Town.

The full costs for these improvements are not charged to the property owners, approximately only 14% of the full cost of construction is charged to the property owners benefitting from the improvements.

Q: Why do I have to pay this? Shouldn't my property taxes cover this?

A: The majority of Local Improvement Capital Projects are funded through property taxes. The local improvement levy represents only a very small portion of the overall cost of the project. The abutting property owners receive the benefit of these improvements through enhanced aesthetics, property values and safety. Because of the significant number of these streets that are eligible for a local improvement, the Town can address them in a more timely fashion through this cost sharing arrangement. Charging the local improvement levy to property owners will ensure the Town is consistent in how it has treated property owners with previous local improvement projects.

Q: What gives the Town the right to charge for local improvement on my street?

A: The New Brunswick *Local Governance Act R.S.N.B. 2018, c. 18*, under Part 12, allows municipalities to undertake the provision of sewerage; sidewalks; roads and streets; or water as a local improvement and recover the cost from the owners of the abutting properties. This approach has been used successfully in recent years to reconstruct and upgrade many streets in the town, including:

Street Name	Year	Street Name	Year
Deerwood Court	1990	Muncey Drive	1991
Laurentide Drive	1992	Manchester Crescent	1992
Roseberry Street	1996	Traynor Street	1996
Strathmore Avenue	1997	Wedgewood Avenue	1997
Waterfall Drive	2003	Union Street	2003
Athabaska Avenue	2003	Randall Drive	2005
Irwin Drive	2006	Lindsay Street	2006

Street Name	Year	Street Name	Year
Todd Street	2006	Florence Street	2007
Westminister Avenue	2009	Page Street	2009
Whitepine Road	2012	Suffolk Street	2013
Trites Road	2014	Beverly Crescent	2016
Woolridge Street	2016	Hawthorne Drive	2016
Ashburn Avenue	2017	Fatima Drive	2017
Hawkes Street	2017	Olive Street	2017
Prescott Drive	2017	Wentworth Drive (Sussex to Traynor	2017
Balmoral Street	2018	Bloor Street	2018
Byron Court	2018	Ealey Crescent	2018
Leonard Street Loop	2018	ADD PREVIOUS YEAR	

Q: What share of the total cost of the work are property owners being asked to cover?

A: The local improvement revenue collected from property owners represents approximately 14% of the total project cost. The remaining costs are paid for by the Town.

Q: Why is the Local Improvement program in place?

A: In the early 1980s the Town of Riverview recognized that a number of streets needed to be upgraded with curb and gutters, sidewalks and storm sewers. With so many streets in need of work, property owners would petition the Town to have their street upgraded. In order to facilitate these upgrades the Town followed the appropriate legislation which gave it permission to charge property owners a portion of the cost of these upgrades. Through the local improvement process, the Town and property owners cooperate to support efforts that improve neighbourhood assets. The process has evolved to eliminate the need for property owners to petition and the Town now follows a street management plan. Property owners, however, can still voice their objection to a project through a written submission to the Town within a specified deadline.

Q: How can I voice my opposition to this work?

A: Upon receiving a "Notice of Proposed Local Improvement" from the Town, any property owner who does not agree with the local improvement should forward their written objections to the Town within the time period outlined in the notice. Council will hear these objections at a public hearing, date and time also outlined in the notice.

Q: During the construction period, if property owners have concerns, how can I address them?

A: The best way to address a property owner's concerns is to refer them to staff. Remind them that they should use the contact number provided to them by the Engineering Department.

Annette Crummy
 Director of Corporate Services/Town Clerk