



**MUNICIPALITY OF RICHMOND COUNTY
BY-LAW NUMBER 66
PRIVATE WAYS BY-LAW**

BE IT ENACTED by the Council for the Municipality of the County of Richmond, pursuant to the *Municipal Government Act*, S.N.S. 1998, C.18, as amended:

1. TITLE AND PURPOSE

- 1.1 This By-Law shall be known and may be cited as the “Private Ways By-Law”.
- 1.2 This By-law has been enacted to clarify the authority as set out in section 29A of the *Private Ways Act*, RSNS 1989, c 358, amended 2011.

2. DEFINITIONS

In this By-Law unless the context otherwise indicates:

- 2.1 “Act” means the Private Ways Act, RSNS 1989, c 358, amended 2011;
- 2.2 “Applicant” means any person who presents a petition to Council to obtain a private right-of-way;
- 2.3 “Commissioner” means the person appointed by the council of the Municipality of the County of Richmond as referenced in Part II of the Private Ways Act;
- 2.4 “Council” means the council for the Municipality of the County of Richmond;
- 2.5 “Municipality” means the Municipality of the County of Richmond;

3. PAYMENT OF COMPENSATION

- 3.1 The compensation ascertained by agreement or by the appraisalment of the arbitrators shall be charged in whole against the Applicant or Applicants.
- 3.2 Every applicant who presents a petition to council shall make a deposit to the Municipality in the amount of One Thousand Dollars (\$1,000.00) which shall cover a portion of expenses incurred. Once an application is deemed complete, the Chief Administrative Officer will forward the application to the Commissioner within 30 days.



- 3.3 An application made pursuant to the Act shall not be considered without the deposit made pursuant to section 3.1.
- 3.4 Once in receipt of the application from the County of Richmond, the Commissioner will make contact with the applicant within 30 days of receiving the application and will communicate the process and potential timelines to the applicant (timelines will be subject to change based on workload and availability of contractors).
- 3.5 A Commissioner shall provide an estimate of the expenses to the Municipality and to the Applicant or Applicants which shall include the fees for his services and for the appraisal of the arbitrators.
- 3.6 Every Applicant or Applicants shall be required to pay three quarters (3/4) of the estimated expenses prior to the Commissioner providing a report on whether or not a proposed right-of-way is reasonable and practicable.
- 3.7 If a Commissioner provides a report to Council which determines that a proposed right-of-way is not reasonable or practicable, the Applicant shall be reimbursed for the expenses not incurred.

4. CHARGES

- 4.1 The compensation and the balance of the expenses payable in this By-Law shall be levied on the Applicant or Applicants' property which shall benefit from the proposed right-of-way commencing in the year following the year in which the Municipality has paid the compensation and the expenses.
- 4.2 The compensation and the balance of the expenses payable shall be due and payable 30 days after billing.
- 4.3 The compensation and the balance of the expenses payable, if not paid by the due date, shall bear interest at the same rate charged on unpaid taxes.
- 4.4 The compensation and the balance of the expenses payable shall constitute a first lien on the whole of the Applicant or Applicants' property which shall benefit from the proposed right-of-way in the same manner and with the same effect as rates and taxes under the Assessment Act.




- 4.5 The compensation and the balance of the expenses payable may be sued for and collected in the same manner as other rates and taxes.
- 4.6 The Applicant or Applicants' property which shall benefit from the proposed right-of-way is liable to be sold for unpaid compensation and expenses in the same manner and with the same effect as rates and taxes under the Assessment Act.


5. REPEAL AND REPLACE

- 5.1 The previous version #1, dated June 28, 2021, and all other versions of the By-Law #66, Private Ways By-Law, are repealed and replaced by this By-Law.

I, SHELLEY DAVID, Municipal Clerk of the Municipality of the County of Richmond, hereby certify that the above noted By-Law was passed at a meeting of the Richmond County Municipal Council on March 27, 2023.



SHELLEY DAVID
Municipal Clerk



AMANDA MOMBOURQUETTE
Warden



By-Law Adoption	
First Reading:	February 27, 2023
Notice of Publication:	March 8, 2023
Second Reading and Enactment:	March 27, 2023
Final Publication:	April 5, 2023
Notice to Service Nova Scotia & Municipal Relations:	April 11, 2023

Version Number	Amendment Description	Council Approval Date
3	Amendment to add Section 5 Repeal and Replace: The previous version #1, dated June 28, 2021, and all other versions of the By-Law #66, Private Ways By-Law, are repealed and replaced by this By-Law.	March 27, 2023
2	Amendment to add the following clauses: In s.3.2 - Once an application is deemed complete, the Chief Administrative Officer will forward the application to the Commissioner within 30 days AND include an additional section stating: Once in receipt of the application from the County of Richmond, the Commissioner will make contact with the applicant within 30 days of receiving the application and will communicate the process and potential timelines to the applicant (timelines will be subject to change based on workload and availability of contractors).	November 28, 2022
1	Adoption	June 28, 2021