

MUNICIPALITY OF THE DISTRICT OF YARMOUTH

<p>Capital/Maintenance Sidewalk Policy C-022-17</p>	<p>Effective Date:</p>
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Part 1 Application

This policy is applicable to all roads located in rights-of-way owned and maintained by the Province or by the Municipality of the District of Yarmouth.

The formal process requires an Application to Council defining the area to be serviced, a Petition Process to confirm community support and a Technical Evaluation Process to be carried out by Municipal Staff. Staff will report their findings of the Technical Evaluation Process and prepare a recommendation to Council.

Part 2 Authority

Section 59 of the *Municipal Government Act* respecting Provincial highways and Section 213 of the *Municipal Government Act*, respecting Municipal roads.

Part 3 Policy Intent

The policy is intended to provide the decision making basis and control framework for the construction/development of new sidewalks and maintenance of new sidewalks on public roads in the Municipality; and

subject to approval by Council, sidewalks that were constructed in public roads rights-of-way prior to the adoption of this policy shall be included within its maintenance provisions.

Part 4 Definitions

- 4.1 **Collector Road** – as defined by N.S. Department of Transportation and Infra-structure Renewal, "...roads that "collect" traffic from the local road system and distribute it to the arterial system and/or other collector roads. ...can be urban or rural, paved or unpaved."
- 4.2 **Defined Service Area** – the boundary of the Defined Service Area (D.S.A.) will default to an area that reaches to 100' (30.49 metres) beyond the outer edge of either side of the public road right-of-way; unless proponents to the sidewalk project indicate clearly in their application an area of different size; but in any event, the D.S.A. will not be smaller than the area defined by the 100' (30.49 metre) minimum boundary.
- 4.3 **Dwelling Unit** – means a suite operated as a housekeeping unit used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- 4.4 **Exempt Ratepayer** – as defined by the Assessment Act, para. 5(1), **Exempt Property**.
- 4.5 **Frontage** – means the length of the front lot line, (front lot line being the line dividing the lot from a public or private road), measured between the side lot lines.

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- 4.6 **Local Road** – as defined by the N.S. Department of Transportation and Infra-structure Renewal, "...is one that primarily provides land access and has little or no through traffic....can be either urban or rural....paved or unpaved."
- 4.7 **Non-exempt Ratepayer** – all ratepayers except **Exempt Ratepayers**.
- 4.8 **Road Rights-of-Way** –means an easement for a right-of-way and access extending to and having access to a public road or water frontage.
- 4.9 **Sidewalk Type A** – servicing a public institutions such as schools, detention facilities, seniors complexes, etc. Services to include seasonal snow removal and sanding/salting on a timely basis.
- 4.10 **Sidewalk Type B** – all other sidewalks that are not **Type A**, limited maintenance services.
- 4.11 **Special considerations -**

Part 5 CONSTRUCTION

5.1 Basic Policy – Capital Construction

As determined necessary by Council, sidewalks may be constructed by the Municipality in locations where the sidewalks are warranted on a technical basis. The technical justification of the need to develop sidewalks will be carried out in consideration of the following factors:

Scoring Factors

- # 1 Traffic Volume.
- #2 Pedestrian Density; considering development density and/or the presence of significant pedestrian or traffic attractors ie. schools, public buildings, churches, etc.
- #3 Unique Aspects such as safety issues, past injuries and/or fatalities, unique physical characteristics including street lights, hydrants, curbs, existing municipal infrastructures, funding opportunities, etc.
- #4 Construction/Development cost.

The Municipality may pay for a portion of the sidewalk capital construction cost (#4), up

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to a maximum of 100%, depending on the need as defined on the basis of traffic volume (#1) and development density (#2). The difference between the total cost and that portion paid for by the Municipality will be recovered through a special area rate to those non-exempt property owners (ratepayers) within the Defined Service Area.

The special area rate may be recovered over multiple years, but not to exceed a maximum of ___ years. Recovery will commence with the first billing quarter following substantial completion of the project.

Alternate cost sharing arrangements between the Municipality, other funding partners and the benefiting area, based on Unique Aspects (#3), unusual costs and traffic and pedestrian attractors, shall be subject to consideration by Council.

5.2 Specific Requirements and Guidelines

Sidewalks shall be a minimum of 4 feet (1.22 metres) wide. Sidewalks shall be constructed of asphaltic pavement, concrete and/or gravel, unless otherwise, specifically approved, on a suitable foundation. Sidewalks shall be constructed totally within the road rights-of-way, subject to Transportation and Infrastructure Renewal approval with which they are associated, or through acquired private easements, as per the application.

5.3 Technical Evaluation Process

The portion of the capital cost of a sidewalk that will be borne by the Municipality as a whole will be determined on the basis of traffic volume and development density and a related sliding scale scoring system as follows:

- Measured Traffic Volume (MTV), Average Annual Daily Traffic (AADT) See **Appendix F:**

Fewer than 100 trips per day (AADT)	0 - 2.5 points
101 – 200 trips per day (AADT)	2.6 - 5 points
201 - 400+ trips per day (AADT)	5.1 - 10 points

Example: AADT = 300 trips per day, $300 / 1,000 = .30 \times 10 =$ Score of 3.0 out of 10

- Development Density (DD) (within 1500 feet (457 meters)) of the right-of-way within which the sidewalk may be located:

Fewer than 18 civic numbers per kilometer	0 - 2.5 points
19 - 37 civic numbers per kilometer	2.6 – 5 points
38 – 75 + civic numbers per kilometer	5.1 - 10 points

Example: Density = 45 civic numbers / km, $45 / 75 = .60 \times 10 =$ Score of 6.0 out of 10

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- Municipal Share of Cost:
 Using the above noted calculations based on 300 trips per day and a development density of 45 civic numbers / kilometer:

$$\text{Example: } \frac{3.0}{10} + \frac{6}{10} = \frac{9}{20} = .45$$

In this example the Municipality’s share of the capital construction cost of the project would be 45%. Conversely the residents’ share of the capital construction cost of the project, if it were to proceed, to be recovered through their area rate, would equal 55%.

Unique Aspects (UA) scoring on a scale from 0 to 10 will be based on a staff report outlining unique aspects, scores and rationale. See attached **Appendix A**.

Example: Overall project valuation based on measured traffic volume, development density and unique aspects.

MTV	DD	UA	Scoring Ratio	
$\frac{3.0}{10}$	$+$	$\frac{6.0}{10}$	$+$	$\frac{5.0}{10}$
			$=$	$\frac{14.0}{30}$
				$= .47$
Score factor				

In this example the unique areas score is given a value of 5, as a result the total score factor was calculated to be .47 which is below the .55 minimum score threshold required for the project to qualify to proceed.

A decision to proceed will be based on a score as determined by the totals of Measured Traffic Volume, Development Density and Unique Aspects.

In order for a capital construction project to receive a recommendation by staff to proceed, it must achieve a minimum scoring factor of .55.

In the event that the technical score does not meet the minimum recommended scoring factor, the **Application** may be reviewed by staff and Council prior to the petition phase.

5.4 Application Process (Appendix B)

- The **Application**, which must be submitted to the Municipality by November 1st of any given year, will include the community in which the proposed sidewalk is to be located, the Defined Service Area within the community to which the area rate will be levied and the names and signatures of 51% of the ratepayers in the Defined Service Area who support the project; excluding exempt properties within the Defined Service Area.

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- For purposes of acceptable signatures on the **Application**, the formula will be one signature per PID within the Defined Service Area.
- Upon receipt of the **Application** the Municipality will take the request to a Council Committee meeting, where Council will determine if they give preliminary support for the project. If Council agrees to proceed with the **Application**, staff will:
 - determine the type and location of the sidewalk to be installed;
 - consult with and receive preliminary approval from the Department of Transportation and Infrastructure Renewal and other regulatory authorities which may be involved;
 - estimate the cost associated for the construction and maintenance of the sidewalk;
 - identify and determine the frontage distances including rights-of-way that do not have frontage;
 - determine the total assessed value of the properties within the Defined Service Area;
 - calculate the area rate necessary to pay for the construction and maintenance portions, respectively, for the proposed sidewalk within the Defined Service Area;
 - undertake to implement the scoring system as described above and report the scoring factor outcome for the project, to determine technical feasibility and cost sharing ratio between the Municipality and the non-exempt ratepayer(s).

5.5 Public Meeting

A public meeting shall be held prior to the circulation of the **Petition** upon the request of the applicants through the CAO of the Municipality. The Municipality will undertake to organize and advertise the public meeting. At the public meeting the applicants shall explain their reason(s) for requesting a new sidewalk. Estimated costs of construction and maintenance will be presented and explained by Municipal staff. Notice of the meeting shall be given to residents at least two weeks in advance of the meeting. The notice, which shall be delivered by the Municipality, shall include the date, time, location and purpose of the meeting. This notice may be delivered to each property owner via mail or door to door delivery; and will be posted in local community buildings as well as advertised in a local paper.

5.6 Withdrawal of Application

If the applicants decide that the area rate is more than they are prepared to pay, they may submit a letter to the Municipal Council stating that they are no longer interested in proceeding with the process; the letter will make a formal request for a **Withdrawal of**

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the Application. This letter must be signed by a minimum of 80% of the original applicants, or the current owners of the PIDs listed on the **Application**.

5.7 ***Petition Process (Appendix D)***

If the applicants choose to proceed, the Municipality will prepare a **Petition** for the applicants, who will be responsible for obtaining the signatures on the **Petition**. The **Petition** will include the civic address and PID number, when possible, of all properties in the Defined Service Area from the most recent information available to the Municipality, including the name of the ratepayer where possible. The **Petition** will also state the location of the proposed sidewalk and the amount of the proposed area rate(s).

The **Petition** must achieve the following percentage of support from the ratepayers, excluding exempt properties within the Defined Service Area, as part of the process for proceeding. For Collector roads, as defined by Department of Transportation and Infrastructure Renewal, 51% support; for Local roads as defined by Department of Transportation and Infrastructure Renewal or the Municipality, 66% support.

A ~~Petition~~ will expire if not accepted by Council after 10 years of its signing.

5.8 ***Signed Petition***

All signed **Petitions** must be submitted to the Municipality, by February 1st, in order for the proposed area rate to be determined by Council. Staff may require that **Petitions** be submitted prior to that time, should the **Petition** cover a large geographic area, or there is more than one **Application** for a sidewalk that year.

Staff will review the **Petition** for verification of the signatures and make a determination of the level of support for the new area rate.

Petition Review Process

Where projects have been approved by Council but construction has not commenced within five calendar years of the approval process, a **Petition** review by staff will be conducted to ensure residents still want the process to proceed. This will involve staff providing updated construction cost estimates, area rate calculations and other significant relevant information. After a consultation with Council, and the CAO, a public meeting may be convened.

Part 6 **MAINTENANCE**

6.1 ***Basic Policy – New Construction/Replacement and Maintenance Costs Recovery***

New construction/replacement ~~and maintenance~~ costs of all sidewalks, will be paid for

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by the non-exempt ratepayers in the Defined Service Area, and the area rate shall include a capital replacement component.

The area rate for the Defined Service Area will be calculated on a **frontage/assessment based** formula; excluding those exempt properties within the Defined Service Area.

Lots serviced by rights-of-way with no frontage shall pay a flat rate to represent their share of the new construction/replacement and the maintenance costs recovery components appropriate for their right-of-way area.

The Municipality may provide seasonal maintenance for sidewalks. **as per Appendix E.**

6.2 Application of the New Area Rate

Area rates levied under this Policy will be levied on all non-exempt ratepayers in the Defined Service Area.

The new area rate may be made up of three components:

1. Construction/Development Component – based on the residents’ share of the construction cost as per the cost-sharing formula.
2. **Annual Maintenance Component – set yearly, based on a review of the previous years’ actual sidewalk maintenance costs.**
3. New Construction/Replacement Component – residents’ share based on same sharing formula as determined for original construction project, amortized over 25 years.

Component #1 construction/development, intended to fund new sidewalk construction on cost-shared basis, may be collected over a maximum of ___ years; length of collection time will vary from project to project.

This area rate will be approved by Council if the **Petition** is determined to be valid and have the support of non-exempt ratepayers in the Defined Service Area. The level of support required will depend on the type of road adjacent to the proposed sidewalk. For example, a Collector road, as defined by the Department of Transportation and Infrastructure Renewal, will require the support of 51% of ratepayers in the Defined Service Area, and a Local road, as defined by the Department of Transportation and Infrastructure Renewal or the Municipality, will require the support of 66% of the ratepayers in the Defined Service Area. (Collector roads carry a higher volume of traffic and therefore may warrant the installation of a sidewalk for safety purposes.)

The new area rate may be billed on a quarterly basis. ??????

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The area rate constitutes a lien on the whole of the property included in the Defined Service Area, and that lien has the same effect as a lien for rates and taxes under the *Municipal Government Act*. ????????

The area rate shall remain in effect until it and interest on the entire amount from time to time outstanding, has been paid in full. ????????

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Appendix A

Unique Aspects Scoring Table

Unique Aspects Scoring Table

- Geography of project 2 pt
 - Safety 2 pt
 - Time line of request, one of:
 - 10 + years 2 pt
 - 7 – 9 years 1.5 pt
 - 4 – 6 years 1 pt
 - 1 – 3 years 0.5 pt
 - < 1 year 0 pt
 - Fatalities/injuries 2 pt
 - Other Special Consideration 2 pt
- Total Maximum Points 10 pt

Examples of “Other Special Considerations” include; historical sites, schools, churches, existing sidewalks, cemeteries, other funding partners, seniors home, etc.

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Appendix C
Information on Proposed Sidewalk

Supplementary

Proposed location of the sidewalk (Please list the name(s) of the street(s) on which the sidewalk will be located):

Approximate length of the sidewalk in metres: _____

Proposed area in which the area rate will be levied to pay for the sidewalk (please list the name(s) of the street(s) and the first and last property on each street(s), in the proposed area):

Reason(s) for requesting the sidewalk:

Please attach a sketch of both the location of the sidewalk and the boundary line for the area which will pay for the sidewalk.

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Appendix E

Sidewalk Maintenance List

Type A

Arcadia, Highway #3, civic #10094 to #10270 inclusive

Brooklyn, Brooklyn Road, civic #402 to #547 inclusive
Green Hill Dr., civic #11 to #14 inclusive
Prospect Str., civic #68 to #106 inclusive

Carleton, Highway #203, civic #10 to #32 inclusive
Triangle Road, civic #0 to #71 inclusive

Hebron/Dayton, Highway #1, civic #587 to #799 inclusive
Crosby Court, civic #10 to #39 inclusive
Fuller's Lane, civic #35 to #47 inclusive
Hillside Dr., civic #9 to #17 inclusive
Highway 340

Port Maitland, Highway #1, civic #3088 to #3269 inclusive

Rockville
Mainshore

For greater certainty, see map detail of Defined Service Area(s) attached.

Type B

Kemptville, Highway #203, civic #2058 to #2175 inclusive

South Ohio, Highway #340, civic #797 to #857 inclusive
Station Road, civic #3 to #25 inclusive

For greater certainty, see map detail of Defined Service Area(s) attached.

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Appendix F

Trip Generation Unit Rates

Trip generation estimates shall be based on the most recent Institute of Traffic Engineers (ITE) methods, or as an alternate, the following criteria.

Type of Development

Trip Generation Unit Rates

Single Family Dwelling

10 trips per dwelling unit per day

Multiple Unit Dwellings

7 trips per dwelling unit per day

Business Parks / Commercial/

All Other

15 trips per 1,000 square foot of building space per day

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