



**City of Kingston
Report to Council
Report Number 16-033**

To: Mayor and Members of Council
From: Jim Keech, President and CEO, Utilities Kingston
Resource Staff: Mark Van Buren, Director of Engineering
Date of Meeting: December 15, 2015
Subject: By-Law Update - Housekeeping
Local Improvement Polices

Executive Summary:

Through the By-Law Update project the Engineering Department noted that reference to the Local Improvement Act continued to remain in three existing by-laws though the Municipal Act had been updated to repeal the Local Improvement Act and replace it with Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status. In addition it was noted that recommendations from a Committee Of The Whole Report written in 2002 were not completed. This report endeavors to correct the reference within three existing by-laws pertaining to Local Improvements and finalize the recommendations of Report CW063 from 2002.

Recommendation:

That a by-law be presented to repeal Township of Kingston By-Law No. 94-49, as amended, being a by-law to implement a Kingston Township policy with respect to the construction of sidewalks, as attached as Exhibit B to Report 16-033; and

That a by-law be presented to amend By-Law 9341, being “A By-Law To Establish Policies Concerning Local Improvements” as outlined in Exhibit C to Report 16-033; and

That a by-law be presented to amend By-Law 2003-31, being “A By-Law To Provide For the Provision Of Sidewalks In The City Of Kingston” as outlined in Exhibit D to Report 16-033; and

That by-law be presented to amend By-Law 2003-32, being “A By-Law To Provide For The Provision Of Street Lighting In The City Of Kingston” as outlined in Exhibit E to Report 16-033.

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Authorizing Signatures:

ORIGINAL SIGNED BY PRESIDENT & CEO, UTILITIES KINGSTON

Jim Keech, President & CEO, Utilities Kingston

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Commissioners:

Cynthia Beach, Corporate & Strategic Initiatives	Not required
Lanie Hurdle, Community Services	Not required
Denis Leger, Transportation, Facilities & Emergency Services	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

The City of Kingston has three by-laws that reference the former Local Improvement Act as the authority to undertake infrastructure investment. By-Law 2003-32 governs the installation of street lights, By-Law 2003-31 governs the installation of sidewalk and By-Law 9341 establishes the policies for the implementation of local improvements undertaken in the City of Kingston. When the Municipal Act was updated in 2001 the Local Improvement Act was repealed and replaced with Ontario Regulation 119/03 and subsequently Ontario Regulation 586/06, Local Improvement Charges – Priority Lien Status. The City by-laws should be updated to reflect the current authority regulation.

In addition, in 2002 Council received Committee of the Whole Report CW063, attached to this report as Exhibit “A”, that recommended, repeal of, and amendment to, various by-laws of the three former municipalities as a result of implementing three new by-laws specific to local improvement for roads, sidewalks and street lighting. Through this by-law review process it has been determined that all recommendations in the list of amendments identified in Exhibit “A” of Report CW063 were not completed. The following by-laws are being presented to finalize the recommendations from report CW063 as well as update to the appropriate regulation:

That Township of Kingston By-Law No. 94-49, “A By-Law To Repeal By-Law 87-137 Regarding Sidewalks” which defined the Townships process for the construction of sidewalk is no longer applicable with the adoption of By-Law 2003-31 “A By-Law To Provide For The Provision Of Sidewalks In The City Of Kingston”, and shall be repealed in its entirety.

That City of Kingston By-Law No. 9341, “A By-Law To Establish Policies Concerning Local Improvements” shall be amended as follows:

That Clauses 1. (a) 5 and 1. (a) 7 be repealed in their entirety; and

That the wording “*Local Improvement Act*, R.S.O. 1970” and “*Local Improvement Act*” exclusive of the by-law title be replaced with “Municipal Act 2001, Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status as amended” throughout the remainder of the by-law, and further;

That City of Kingston By-Law No. 2003-31, “A By-Law To Provide For the Provision Of Sidewalks In The City Of Kingston” shall be amended as follows:

That the wording “*Local Improvement Act*,” in Clause 1. (f) be replaced with “Municipal Act 2001, Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status as amended”, and further;

That City of Kingston By-Law No. 2003-32, “A By-Law To Provide For The Provision Of Street Lighting In The City Of Kingston” shall be amended as follows:

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That the wording "Local Improvement Act," in Clause 1. (c) be replaced with "Municipal Act 2001, Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status as amended", and

In addition the current by-law refers to Section 7 of the Local Improvement Act which pertains to petitions and therefore this reference must also be removed. Staff recommends as follows:

That Clause 1. (c) be further amended to delete the words "Section 7 of" so that Clause 1.(c) now reads as follows:

"existing residential development – for existing residential development on local streets, the responsibility for the installation of street lights where no lighting exists would be partially funded by the abutting and benefiting property owners and would be assessed under the provision of the Municipal Act 2001, Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status as amended. The residents may petition for the improvement as outlined in the Municipal Act 2001, Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status as amended and upon certification by the City Clerk of a duly signed petition the works would be budgeted for in the next construction season."

Draft By-Laws are appended to this report as Exhibits "B" through "E".

Existing Policy/By Law:

By-Law No. 94-49, "A By-Law To Repeal By-Law 87-137 Regarding Sidewalks" – Kingston Township

By-Law No. 9341, "A By-Law To Establish Policies Concerning Local Improvements" – City Of Kingston

By-Law No. 2003-31, "A By-Law To Provide For The Provision Of Sidewalks In The City Of Kingston"

By-Law No. 2003-32, "A By-Law To Provide For the Provision Of Street Lighting In The City Of Kingston"

Notice Provisions:

Not applicable.

Accessibility Considerations:

The by-law document will be updated to an accessible format in conjunction with the housekeeping amendment.

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Financial Considerations:

There are no financial considerations with this report.

Contacts:

Mark Van Buren, Director of Engineering, 613-546-4291, Ext. 3218

Kim Brown, Manager, Infrastructure & Development, Engineering Department, 613-546-4291 ext. 3132

Other City of Kingston Staff Consulted:

Kevin Arjoon, Deputy City Clerk

Alan Mcleod, Senior Legal Counsel, Legal Services

Exhibits Attached:

Exhibit "A" – 2002 Report CW063 – Local Improvement Policy Review and Consolidation

Exhibit "B" – Draft By-Law: A By-Law To Repeal By-Law 94-49 Township of Kingston, "A By-Law to Repeal By-Law 87-137 Regarding Sidewalks"

Exhibit "C" – Draft By-Law: A By-Law To Amend By-Law 2003-31, "A By-Law To Provide For The Provision OF Sidewalks In The City Of Kingston"

Exhibit "D" – Draft By-Law: A By-Law To Amend By-Law 2003-31, "A By-Law To Provide For The Provision OF Sidewalks In The City Of Kingston"

Exhibit "E" – Draft By-Law: A By-Law To Amend By-Law 2003-32, "A By-Law To Provide For The Provision Of Street Lighting In The City Of Kingston"



**CITY OF KINGSTON
REPORT TO THE COMMITTEE OF THE WHOLE**

Report No.: CW063

TO: Bert Meunier, Chief Administrative Officer

FROM: Cynthia Beach, P.Eng., Commissioner, Planning & Development Services

PREPARED BY: Kimberley J. Brown, P.Eng., Infrastructure Engineer, Engineering Division

DATE PREPARED: 2002-11-28

DATE OF MEETING: 2002-12-17

SUBJECT: LOCAL IMPROVEMENT POLICY REVIEW AND CONSOLIDATION

RECOMMENDATION:

THAT Council authorize three new by-laws for the improvement of roads, sidewalks and street lighting that outline the procedures for the construction or installation of the improvement and the financing for the improvement as provided in the draft by-laws attached to this report.

- and further -

THAT, upon adoption of the new by-laws, Council repeal all former clauses of the former by-laws of the three former Municipalities and the County of Frontenac that are replaced by the adoption of the new by-laws. A list of By-Laws and clauses is attached as Schedule "A" to this report.

ORIGIN/PURPOSE:

Council requested that staff address the issue of reconstructing Butler Street. The current by-laws of the former City of Kingston require that improvements to the existing street be undertaken under the regulations of the Local Improvement Act. As the by-laws affecting the former City of Kingston are not consistent with those of the other municipalities it is concluded that new by-laws be adopted to provide for equitable treatment of all residents of the amalgamated City when improvements are made to street.

OPTIONS/DISCUSSION:

Council has requested that the Local Improvement policies of the three amalgamated municipalities be reviewed and new policies established. The Engineering Division has reviewed the policies and existing by-laws and developed by-laws for consideration by Council. At this time, we have addressed only those by-laws relating to the road surface infrastructure and street lighting. A memorandum was circulated including other services such as water and sanitary sewer to other departments for comments. Initial responses were diverse and resulted in Planning and Development Services concluding to address only surface works at this time. These include sidewalk, road, curb and gutter and the related storm sewers. When roads are constructed with curb and gutter the resulting design incorporates storm drainage and thus

this subsurface infrastructure is also considered in this report. As well, the Engineering Division manages the installation and maintenance of street lighting. A number of petitions and inquiries for new street lighting have been received thus we have concluded to develop a by-law for the installation of new street lighting in areas where lighting does not exist.

A new Municipal Act is being adopted in January of 2003. In discussions with the parties implementing the change we have been advised that the Local Improvement Act may be repealed in its current format and inserted into the new Municipal Act as a regulation. Indication at this time is that the wording is not changing but rather the reference. The current document will be "slid" into the Municipal Act with little or no alteration. However, we have not seen the wording of the new regulation. That being said we have attempted to simplify the proposed new City by-laws to reference the Local Improvement Act by limiting detailed process alterations. To this end, when the regulations are revised and adopted by the Province the reference to the appropriate new regulations will be all that requires revision in our by-laws.

The Local Improvement Act provides the Municipality a method for equitable treatment of all residents. The establishment of by-laws that define the policies ensures that the approach is consistent. Applying local improvements on a case by case basis can leave room for differences in applications. The lack of policy will open the door for many petitions and requests for Council to consider infrastructure improvements that may not be warranted. If Council were to approve works requested by petition from residents without the application of the Local Improvement Act then the tax base absorbs all the cost and all other areas of the City with a similar situation will request the same consideration. This will place an extreme burden on the financial resources of the City. As well, this process will result in monies that were required for works identified by staff as necessary being reallocated thereby deferring essential works another year. The implementation of policy will assist in budget preparation and 10-year capital planning. Council must still approve projects by individual bylaw and can exempt costs by bylaw. The existence of various municipal standards will continue to be an issue with the rural urban nature of the City.

The Local Improvement Act also provides for the recovery of expenses to the Municipality when construction of new infrastructure is undertaken and the new infrastructure benefits a specific location rather than the entire municipality. Works that may be undertaken as local improvement are listed in the Act. When works are constructed in a new subdivision the developer is required to construct and once completed the Municipality assumes the works and the continued maintenance. The cost of the works are transferred to the homeowner when they purchase their new home. In the existing developed area of the City some infrastructure such as sidewalks, asphalt roads, storm sewers, curb and gutter and street lighting were not constructed by the developer at the outset of the subdivision. In these scenarios when the opportunity to construct arises or is requested by the residents the cost or a portion of the cost can be levied against the abutting and/or benefiting property owners thereby reducing the financial burden on the general tax base.

It is noted that the Local Improvement Act provides for the ability to recover 100% of the cost of the work. Staff, however, is recommending that a fixed rate be established for each item. This is keeping in line with the policies of the former City of Kingston. With this option the property owners know at the outset of the project how much their portion of the work will be. This assists staff when presenting the components of a local improvement project and eliminates surprise for the property owners when notice of project completion is sent advising of their portion of the cost.

The following table outlines the estimated cost to construct each form of infrastructure covered by this report, the current per meter rate in the existing by-law from the former City of Kingston and the proposed new rate.

Infrastructure	Approx. 2002 Construction Cost	By-Law No 9341 per meter rate (1992)	Proposed 2002 per meter rate	e.g. 12.192 m (40 ft) 2002 total
Sidewalk	\$90.00 per meter	\$40.00	\$80.00	\$975.36
Asphalt Road	\$175.00 per meter	\$60.00	\$160.00	\$1950.72
Concrete Curb and Gutter	\$45.00 per meter	\$40.00	\$40.00	\$487.68
Storm Sewers	Variable on size	Funded from general rate	General Rate	No charge

Street lighting will be assessed as follows:

Fixture	Proposed 2002 per meter rate
Cobra Head	Actual cost of installation
City Decorative	Actual cost of installation
Underground wiring	Actual cost of installation

Note: All by-laws will indicate that the rate will be indexed to the Consumer Price Index. (CPI)

Attached are three draft by-laws for consideration by Council. The by-laws identify the new policies to be implemented for the construction of new sidewalk, new roads and improved roads and street lighting. As well, the funding mechanisms are defined. Funding is recommended from four sources; general rate, also known as the tax base, developers cost, abutting and benefiting property owners share and finally the Development Charges By-Law.

The policies have been suggested as a result of reviewing existing by-laws, the Community Strategic Plan and consideration of financial impact on the City of Kingston. The current Development Charges By-Law outlines the costing breakdowns for development related works such as Centennial Drive extension north of Princess Street, Bayridge Drive extension, and the Elliott Street Realignment to name a few. The draft By-Law for the Provision of Roads in the City of Kingston references this adopted document.

As well we noted that the Community Strategic Plan indicated that the improvement to the pedestrian mode of transportation be addressed and that missing links be constructed. The former Township of Kingston had existing policy that required the provision of sidewalk by the municipality. The By-Law to Provide for the Provision of Sidewalks incorporates this theme. It also addresses the standard subdivision development that the developer is required to construct sidewalk within the boundaries of the subdivision. The current development standard requires sidewalk on one side only.

EXISTING POLICY/BY-LAW:

Council must adopt new by-laws and repeal by-laws that are outdated by the contents of the new one.

LINK TO THE STRATEGIC PLAN:

Council has identified that by-law harmonization and "getting our house in order" are two priorities of the Strategic Plan. This project is not specifically mentioned as an action item in the Focus Kingston Action Plan. 63

FINANCIAL CONSIDERATIONS:

The continued use of Local Improvement charges will build the Municipality's ability to fund Capital projects.

CONTACTS:

Cynthia Beach, P.Eng., Commissioner Planning and Development Services, 384-1770 ext. 3181
Speros Kanellos, M.Sc., P.Eng., Manager, Engineering Division, 384-1770 ext. 3133
Kimberley Brown, P.Eng. Infrastructure Engineer, 384-1770 ext. 3132

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

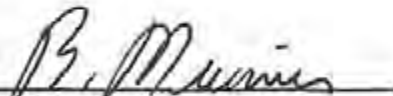
Utilities Technical Services
Finance Division
Council Support Division

APPENDICES:

Schedule "A" List of By-Laws and Sections to be Repealed
Schedule "B" Draft By-Law Roads
Schedule "C" Draft By-Law Sidewalks
Schedule "D" Draft By-Law Street Lighting



Cynthia Beach, P. Eng.
Commissioner of Planning & Development Services



Bert Meunier
Chief Administrative Officer

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LIST OF BY-LAWS OF THE FORMER MUNICIPALITIES

This list consists of By-Laws that have been identified to contain details that direct the actions of the former Municipalities as it relates to the construction of roads, sidewalks and street lighting. The new by-laws that are attached to the report as Schedules "B" through "C" will require that all or portions of the following list of by-laws be repealed by Council should Council adopt the new By-Laws. Township of Kingston By-Law No. 94-49, "A By-Law To Repeal By-Law 87-137 Regarding Sidewalks"

This by-law defines the Township of Kingston's process for the construction of sidewalk, when the tax base will finance the sidewalk, when development finances the construction of sidewalk and when the Local Improvement Act will be initiated. Upon adoption of a new by-law for construction of sidewalk this by-law will be repealed in its entirety

City of Kingston By-Law No. 2616 "A By-Law To Provide For The Regulations Concerning Local Improvement Petitions"

This by-law shall be repealed in its entirety and consolidated into the New City of Kingston's by-laws as written. As this by-law describes the process of applying the Local Improvement Act it will be recommended that the by-law be maintained as written to govern the process of enacting local improvements in the New City of Kingston.

City of Kingston By-Law No. 9341, "A By-Law To Establish Policies Concerning Local Improvements"

Section 1.(a) (5) Roads will be repealed in its entirety and replaced with a new by-law.

Section 1.(a) (6) Sidewalks will be repealed in its entirety and be replaced with a new by-law.

Section 1.(a) (7) Street Lights will be repealed in its entirety and be replaced with a new by-law.

Section 1.(b) Exemptions will continue to be enforced as part of this by-law as all components of the by-law are not being repealed and will also be imported as a component of the each new by-law.

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**A BY-LAW TO PROVIDE FOR THE PROVISION
OF ROADS IN THE CITY OF KINGSTON**

WHEREAS the Council of the former City of Kingston had adopted a policy regarding the provision of roads, By-Law 9341 "A BY-LAW TO ESTABLISH POLICIES CONCERNING LOCAL IMPROVEMENTS"

NOW THEREFORE The Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law No. 9341 of the former City of Kingston Section 1.(a.) (5) is hereby repealed.
2. The following policy shall apply with respect to the construction of roads in the City of Kingston
 - (a) definitions:
 - i) residential - those roads that are within a neighbourhood and service the residents of the neighbourhood
 - ii) upper tier - all non residential roads including but not limited to major and minor arterial, major and minor collector, expressway and highway as defined in the three Official Plans of; the City of Kingston, Township of Pittsburgh and the Township of Kingston
 - (b) new residential - for roads internal to new plans of subdivision, the construction of roads would be the responsibility of the developer. The associated required appurtenances, such as curb and gutter and storm sewer, will be dependent on the neighbourhood plan and the road cross section for the development.
 - (c) existing residential development unimproved - for existing residential development on local streets, the responsibility for the construction of roads to current level of service would rest with the municipality and would be funded from general revenues.
 - (d) existing residential development improved - for existing residential development on local streets, the responsibility for the cost of construction of roads to an improved level of service would be partially funded by the abutting and benefiting property owners and would be assessed under the provisions of the Local Improvement Act. The residents may petition for the improvement as outlined in Section 7 of the Local Improvement Act and upon certification by the City Clerk of a duly signed petition. The works would be budgeted for in the next construction season. The works will be assessed to the property owners on a per meter basis as outlined in Schedule "A".
 - (e) new upper tier roads - the construction may be the responsibility of the developer or the municipality and the funding will be as defined in the Development Charges By-Law.

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(f) upper tier roads improved- for improvements to upper tier roads the construction would rest with the municipality and would be funded from the general revenues. For those upper tiers identified in the Development Charges By-Law the funding will be as defined in the appropriate schedule of the by-law.

3. EXEMPTIONS

(a) Corner Lots:

- i) The City shall assume 100% of the cost of underground and above ground services on the flankage of a corner lot (not frontage) where the frontage shall be defined as the side of the corner lot where the official civic address is recorded.
- ii) Notwithstanding the provisions of paragraph (i) contained herein, in the case that the frontage of a corner lot abuts an upper tier street, the corner property shall be assessed on the flankage, a sum based on the length of the frontage.
- iii) Notwithstanding paragraph (i) contained herein, corner lot properties previously assessed a local improvement charge on one side shall be exempt from any future assessment regardless of frontage or flankage.

(b) Irregularly Shaped Lots: One third of the frontage of residential triangular lots or triangular parts of lots shall be exempt. For industrial or commercial triangular lots or triangular parts of lots, based on a maximum depth of 90m (300 ft), one third of the frontage portion shall be exempt.

(c) Land Unsuitable for Building: On land unsuitable for building, such as swamp land, four fifths of the frontage shall be exempt.

(d) Reconstruction: All reconstruction of Roads, Storm Sewers and Sidewalks shall be done at the General Rate in all areas of the City.

4. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READING

GIVEN THIRD AND FINAL READING

Mayor

City Clerk

DRAFT

The rates per meter frontage are as defined in the following table and will be increased annually by the CPI.

INFRASTRUCTURE	2002 RATE PER METRE	
Asphalt	\$160.00 per metre	Indexed annually by CPI
Curb and Gutter	\$40.00 per metre	Indexed annually by CPI
Storm Sewer	to be funded from general revenues	

DRAFT**A BY-LAW TO PROVIDE FOR THE PROVISION
OF SIDEWALKS IN THE CITY OF KINGSTON**

WHEREAS the Council of the former Township of Kingston had adopted a policy regarding the provision of sidewalks, By-Law 94-49 "A BY-LAW TO REPEAL BY-LAW 87-137 REGARDING SIDEWALKS"

AND WHEREAS the former City of Kingston had the provision of sidewalk defined in By-Law 9341, "A BY-LAW TO ESTABLISH POLICIES CONCERNING LOCAL IMPROVEMENTS"

NOW THEREFORE The Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law No. 94-49 of the former Township of Kingston is hereby repealed.
2. By-Law No. 9341 of the former City of Kingston section 1.(a.) (6) Sidewalks is hereby repealed.
3. The following policy shall apply with respect to the construction of sidewalks in the City of Kingston
 - (a) definitions:
 - i) residential - those roads that are within a neighbourhood and service the residents of the neighbourhood
 - ii) upper tier - all non residential roads including but not limited to major and minor arterial, collector, expressway and highway as defined in the three Official Plans of; the City of Kingston, Township of Pittsburgh and the Township of Kingston
 - (b) new residential - for sidewalks internal to new plans of subdivision, the construction of sidewalks would be the responsibility of the developer.
 - (c) existing residential development - for existing residential development on local streets, the responsibility for the construction of sidewalks would rest with the municipality and would be funded from general revenues.
 - (d) new residential fronting upper tier roads - for sidewalks along new upper tier roads forming part of plans of subdivision, the construction of sidewalks would be the responsibility of the developer and funded as outlined in the Development Charges By-Law of the City of Kingston".
 - (e) existing residential fronting upper tier roads - the responsibility for the construction of sidewalks on existing upper tier roads abutting residential development would rest with the municipality and would be funded from the general revenues.

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(f) non residential uses abutting upper tier - for commercial, institutional and industrial uses on upper tier roads, the construction of sidewalks would be initiated by the City of Kingston and funded under the terms of the Local Improvement Act. The abutting properties would pay for the installation of the sidewalk on a per meter bases at the rate set out in Schedule "A". In areas of infill or new development the owner or developer will be required to install the sidewalk as part of the site development.

4. EXEMPTIONS

(a) Corner Lots:

- i) The City shall assume 100% of the cost of underground and above ground services on the flankage of a corner lot (not frontage) where the frontage shall be defined as the side of the corner lot where the official civic address is recorded.
- ii) Notwithstanding the provisions of paragraph (i) contained herein, in the case that the frontage of a corner lot abuts an upper tier street, the corner property shall be assessed on the flankage, a sum based on the length of the frontage.
- iii) Notwithstanding paragraph (i) contained herein, corner lot properties previously assessed a local improvement charge on one side shall be exempt from any future assessment regardless of frontage or flankage.

(b) Irregularly Shaped Lots: One third of the frontage of residential triangular lots or triangular parts of lots shall be exempt. For industrial or commercial triangular lots or triangular parts of lots, based on a maximum depth of 90m (300 ft), one third of the frontage portion shall be exempt.

(c) Land Unsuitable for Building: On land unsuitable for building, such as swamp land, four fifths of the frontage shall be exempt.

(d) Reconstruction: All reconstruction of Roads, Storm Sewers and Sidewalks shall be done at the General Rate in all areas of the City.

5. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READING

GIVEN THIRD AND FINAL READING

Mayor

City Clerk

DRAFT

The rate for construction of sidewalk will be assessed per meter of construction of sidewalk. The rate is \$80.00 and will be indexed to the CPI annually. The municipality will finance any shortfall.

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**A BY-LAW TO PROVIDE FOR THE PROVISION
OF STREET LIGHTING IN THE CITY OF KINGSTON**

WHEREAS the Council of the former City of Kingston had adopted a policy regarding the provision of street lights, By-Law 9341 "A BY-LAW TO ESTABLISH POLICIES CONCERNING LOCAL IMPROVEMENTS"

NOW THEREFORE The Council of The Corporation of the City of Kingston hereby enacts as follows:

5. By-Law No. 9341 of the former City of Kingston Section 1.(a.) (7) is hereby repealed.
6. The following policy shall apply with respect to the installation of street lighting in the City of Kingston
 - (a) definitions:
 - i) residential - those roads that are within a neighbourhood and service the residents of the neighbourhood
 - ii) upper tier - all non residential roads including but not limited to major and minor arterial, major and minor collector, expressway and highway as defined in the three Official Plans of, the City of Kingston, Township of Pittsburgh and the Township of Kingston
 - (b) new residential - for street lighting internal to new plans of subdivision, the installation of street lights would be the responsibility of the developer as required in the subdivision design guidelines.
 - (c) existing residential development - for existing residential development on local streets, the responsibility for the installation of street lights where no lighting exists would be partially funded by the abutting and benefiting property owners and would be assessed under the provisions of the Local Improvement Act. The residents may petition for the improvement as outlined in Section 7 of the Local Improvement Act and upon certification by the City Clerk of a duly signed petition the works would be budgeted for in the next construction season. The works will be assessed to the property owners on a per property basis as defined in Schedule "A".
 - (d) new upper tier roads - the installation may be the responsibility of the developer or the municipality and the funding will be as defined in the Development Charges By-Law.
 - (e) upper tier roads improved - for improvements to upper tier roads the installation would rest with the municipality and would be funded from the general revenues. For those upper tiers identified in the Development Charges By-Law the funding will be as defined in the appropriate schedule of the by-law.

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7. EXEMPTIONS

(a) Corner Lots:

- i) The City shall assume 100% of the cost of underground and above ground services on the flankage of a corner lot (not frontage) where the frontage shall be defined as the side of the corner lot where the official civic address is recorded.
- ii) Notwithstanding the provisions of paragraph (i) contained herein, in the case that the frontage of a corner lot abuts an upper tier street, the corner property shall be assessed on the flankage, a sum based on the length of the frontage.
- iii) Notwithstanding paragraph (i) contained herein, corner lot properties previously assessed a local improvement charge on one side shall be exempt from any future assessment regardless of frontage or flankage.

(b) Irregularly Shaped Lots: One third of the frontage of residential triangular lots or triangular parts of lots shall be exempt. For industrial or commercial triangular lots or triangular parts of lots, based on a maximum depth of 90m (300 ft), one third of the frontage portion shall be exempt.

(c) Land Unsuitable for Building: On land unsuitable for building, such as swamp land, four fifths of the frontage shall be exempt.

(d) Reconstruction: All reconstruction of Roads, Storm Sewers and Sidewalks shall be done at the General Rate in all areas of the City.

8. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READING

GIVEN THIRD AND FINAL READING

Mayor

City Clerk

DRAFT

The assessment for the installation of street lighting will be on a per property basis. Each property will be assessed a flat rate dependent on the type of fixture that is installed.

INFRASTRUCTURE	2002 RATE PER PROPERTY	
Cobra Head	Actual cost of installation divided by total frontage and distributed equally among all properties	
City adopted decorative	Actual cost of installation divided by total frontage and distributed equally among all properties	
Non-adopted decorative	Actual cost of installation divided by total frontage and distributed equally among all properties	

By-Law 2016-

A By-Law To Repeal By-Law 94-49 Township of Kingston, "A By-Law to Repeal By-Law 87-137 Regarding Sidewalks"

Passed:

Whereas the City of Kingston has enacted By-Law 2003-31, "A By-Law to Provide For The Provision Of Sidewalks In The City Of Kingston";

And Whereas By-Law 94-49 "A By-Law to Repeal By-Law 87-137 Regarding Sidewalks" in the former Township of Kingston is no longer required;

Now Therefore the Council of The Corporation of the City of Kingston enacts as follows:

1. That By-Law No. 94-49, "A By-Law To Repeal By-Law 87-137 Regarding Sidewalks" be repealed in its entirety;
2. This by-law shall come into force and take effect on the date of its passing.

Given First And Second Readings

Given Third Reading And Finally Passed

John Bolognone
City Clerk

Bryan Paterson
Mayor

By-Law 2016-

A By-Law To Amend By-Law 9341, "A By-Law to Establish Policies Concerning Local Improvements"

Passed:

Whereas the City of Kingston implemented By-Law 9341 to establish policies concerning the local improvements;

And whereas the Local Improvement Act was repealed and replaced with Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status;

And whereas By-Law 2003-31 has been adopted to govern the provision of sidewalks in the City of Kingston;

And whereas By-Law 2003-32 has been adopted to govern the provision of street lighting in the City of Kingston;

Therefore be it resolved that City of Kingston By-Law No. 9341, "A By-Law To Establish Policies Concerning Local Improvements" shall be amended as follows:

1. That Clauses 1. (a) 5 and 1. (a) 7 be repealed in their entirety; and
2. That the wording "Local Improvement Act, R.S.O. 1970" and "Local Improvement Act" exclusive of the by-law title be replaced with "Municipal Act 2001, Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status as amended" throughout the remainder of the by-law; and
3. This By-Law shall come into force and take effect on the date of its passing.

Given First And Second Readings

Given Third Reading And Finally Passed

John Bolognone
City Clerk

Bryan Paterson
Mayor

By-Law 2016-

A By-Law To Amend By-Law 2003-31, "A By-Law To Provide For The Provision Of Sidewalks In The City Of Kingston"

Passed:

Whereas the City of Kingston has enacted By-Law 2003-31, "A By-Law to Provide For The Provision Of Sidewalks In The City Of Kingston";

And Whereas the Local Improvement Act was repealed and replaced with Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status;

Now Therefore the Council of The Corporation of the City of Kingston enacts as follows:

1. That By-Law No. 2003-32, "A By-Law To Provide For The Provision Of Sidewalks In The City Of Kingston" be amended as follows;
 1. That the wording "Local Improvement Act," in clause 1. (f) be replaced with "Municipal Act 2001, Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status as amended",
 2. This by-law shall come into force and take effect on the date of its passing.

Given First And Second Readings

Given Third Reading And Finally Passed

John Bolognone
City Clerk

Bryan Paterson
Mayor

By-Law 2016-

A By-Law To Amend By-Law 2003-32, "A By-Law To Provide For The Provision Of Street Lighting In The City Of Kingston"

Passed:

Whereas the City of Kingston has enacted By-Law 2003-32, "A By-Law to Provide For The Provision Of Street Lighting In The City Of Kingston";

And Whereas the Local Improvement Act was repealed and replaced with Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status;

Now Therefore the Council of The Corporation of the City of Kingston enacts as follows:

1. That By-Law No. 2003-32, "A By-Law To Provide For The Provision Of Street Lighting In The City Of Kingston" be amended as follows;

1. That the wording "Local Improvement Act," in clause 1. (c) be replaced with "Municipal Act 2001, Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status as amended", and further

2. That Clause 1. (c) be further amended to delete the words "Section 7 of" so that Clause 1.(c) now reads:

"existing residential development – for existing residential development on local streets, the responsibility for the installation of street lights where no lighting exists would be partially funded by the abutting and benefiting property owners and would be assessed under the provision of the Municipal Act 2001, Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status as amended. The residents may petition for the improvement as outlined in the Municipal Act 2001, Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status as amended and upon certification by the City Clerk of a duly signed petition the works would be budgeted for in the next construction season The works assessed to the property owners on a per property basis as defined in Schedule "A"."

2. This by-law shall come into force and take effect on the date of its passing.

Given First And Second Readings

Given Third Reading And Finally Passed

John Bolognone
City Clerk

Bryan Paterson
Mayor