

THE TOWN OF FORT FRANCES	SECTION PLANNING AND DEVELOPMENT
<u>LOCAL IMPROVEMENT POLICY</u>	REVISED April 2006
Resolution No.	Supersedes Resolution No.
Policy Number: 6.1	PAGE 1 of 7

1. POLICY STATEMENT

This policy applies to projects undertaken by the Town of Fort Frances as a local improvement, as defined herein.

2. DEFINITIONS

- 2.1. **Benefiting Property** shall mean any property within an improvement area that would take or derive a direct or indirect benefit from works undertaken as a local improvement, whether or not the benefit is immediate or anticipated in the future.
- 2.2. **Improvement Area** means an area in which a project is to be undertaken and shall be defined by the Town in accordance with the provisions of legislation under which the works are authorized.
- 2.3. **Local improvement** means any works, which may be recovered in whole or in part through a special charge against a property within an improvement area.
- 2.4. **Owner** means the person, persons or corporation appearing to be, according to the most recent assessment roll, the owner of the property that may be subject to special charge.
- 2.5. **Project** means any works the Town may undertake, whether as a local improvement or not.
- 2.6. **Property** means a parcel of land that is required to be separately assessed under the *Assessment Act*.
- 2.7. **Special charge** means a charge based on the frontages, areas or assessed values of the properties within an improvement area or upon such other basis as may be permitted by the legislation under which the works are authorized and which the Town Council deems fair and appropriate.
- 2.8. **Town** means the Corporation of the Town of Fort Frances.
- 2.9. **Works** means a work that may be undertaken as a local improvement.

3. PURPOSE

Local improvements may be initiated under the authority of the Municipal Act, 2001 S.O. 2001, Chapter 25. The purpose of this policy is to provide criteria for the use of this authority and to set out the manner in which the Town will administer local improvements.

4. ADMINISTRATION

4.1. Works paid for or constructed in whole or in part by one or more developers under the terms of one or more servicing agreements between the Town and the developers shall generally not be considered as local improvements.

4.2. Works not servicing residential properties shall generally not be undertaken as local improvements.

4.3. Notwithstanding sub-section 4.2, non-residential property may be specially assessed when a project is undertaken as a local improvement.

4.4. Generally, where a project is required to provide service to a property or group of properties, the full cost of the project, other than those costs to be borne by the Town, shall be specially charged to each benefiting property.

4.5. Works to be processed as a local improvement shall be implemented by petition as provided for in Section 6 of Ontario Regulation 119/03. Where an expression of interest is received for certain works, the following procedures shall be followed (See Schedule "A" for legislated responsibilities):

4.5.1. Projects initiated prior to August 31st in any given year will be considered for inclusion in the budget for the next following year. Projects initiated after August 31st will be deferred for consideration in the budget for the year after next.

4.5.2. Property owners expressing an interest in a local improvement shall be advised as to the likely scope of the works, and shall be required to present evidence of similar interest (see Schedule "B"), on the part of the majority of property owners likely to be affected. Any change in the number of owners required to form a majority which results from subsequent revisions to the scope of the works shall not invalidate any part of this procedure.

4.5.3. An initial report shall be submitted to Council, through the appropriate executive committee. The report shall include details of the expressions of interest in the project, a description of the work, the affected properties and any pertinent financial information, available at the time, and a recommendation that information relative to the works be circulated to all of the property owners affected.

4.5.4. Upon Council's approval of the recommendation described in subsection 4.5.2, a public meeting of the owners of benefiting property shall be scheduled, notice of which shall be sent by regular mail to each owner. The notice under this section shall also include details of the proposed work as provided in report of 4.5.2 and estimates of the amounts to be paid by each property owner. Time shall be of the essence when scheduling the meeting held under this provision.

Each owner shall be provided, either in person at the public meeting or, if not in attendance, by regular mail within seven (7) days of the holding of the public meeting a petition (Schedule "C") that the owner may use to indicate support for, or objection to the work, and which shall include a date, at least thirty (30) days from the date of the public meeting, by which a response is required. Only petitions that are received within the specified time period and that meet the requirements of Section 6 of O. Reg. 119/03 will be considered as petitions validly received.

4.5.5. No sooner than forty five (45) days after the holding of the public meeting, a final report shall be submitted to the appropriate executive committee with a recommendation as to whether or not the works will proceed, based on the sufficiency of the petition or other written submission, if any.

4.5.6. All property owners shall be notified of the decision of Council relative to subsection 4.5.4.

4.5.7. Where all or part of the cost of a project is to be recovered through special charges based on the assessed value of the properties in an improvement area, such special charges shall be paid in a like manner for all of the properties in the improvement area and property owners shall have the option to

- (a) Pay, in part or in whole, the special charge as a lump sum payment.
- (b) Transfer the special charge, or balance thereof, to the tax account as a one-time levy to be paid similar to taxes, or
- (c) Have the special charge, or balance thereof, levied in the same manner as taxes over the specified period and at the applicable rate of interest set out by by-law.

Notwithstanding payment options above, the property owner shall have option to pay any or all of the special charge at any time, but shall not exceed the time period as established in (c) above.

4.6. Notwithstanding section 4.5, no by-law to undertake a local improvement shall be passed where the Town is not in a position to incur the debts provided for in the by-law.

4.7. Nothing shall fetter the discretion of Town Council to choose to proceed or not to proceed with a local improvement project, including section 4.5.

Schedule "A"
Local Improvement Policy – Legislative Summary

REFERENCE		FUNCTION TO BE PERFORMED	TIMING	RESPONSIBILITY
Policy	O. Reg. 119/03		(If applicable)	
<u>Initiation</u>				
Sec. 4.5		Receive expression of Interest, respond to procedural enquiries and distribute expression of interest for completion		Municipal Planner
Sec. 4.5.2.		Coordinate evidence of similar interest from majority of property owners		Municipal Planner
		Respond to technical enquiries including details of scope of work, likeliness to proceed and other considerations		O & F
Sec. 4.5.3.		Report to Council through executive committee including information on expression of interest, details of work with costs and recommendation to notify affected property owners		P & D
Sec. 4.5.4.		Notice to property owners of Council decision and schedule public meeting		P & D
		Petition form provided to each property owner	7 days of meeting	
<u>Prior to Work</u>				
	Sec. 6(1)	Petition in favour of work to be signed by 2/3 of property owners representing at least ½ of value of lots and shall include description of lot owned by each petitioner by assessment roll	At least 30 days from date of public meeting	Property Owners
	Sec, 6(2)	Petition against work to be signed by majority of owners representing at least ½ of value of lots		
	Sec. 7(1)	Petition for or against work to be filed with Clerk		Clerk
	Sec. 7(4)	Determination of value of lots if value cannot be obtained from assessment roll.		Clerk
	Sec. 7(2)	Sufficiency of petition for or against work to be determined and certified by Clerk.		Clerk

Schedule "A"
Local Improvement Policy – Legislative Summary

	Sec. 12, 15 & 16	Determination of municipal share of costs as legislated		O & F
Sec. 4.5.5.		Report to Council through executive committee with recommendation based on sufficiency of petition		P & D
Sec. 4.5.6.		Notice of decision to proceed to affected owners		P & D
	Sec. 2(2)	Notice of Intent to pass by- law to authorize local improvement		P & D
	Sec. 2(1)	By- Law authorizing work as local improvement		P & D
	Sec. 19	Preparation of local improvement roll		Treasurer
<u>After work completed / before special charge imposed</u>				
	Sec. 20(1)	Date for Court of Revision to be determined		P & D
	Sec. 20(2)	Notice of Court of Revision to all affected property owners		P & D
	Sec. 20(5)	Owner may file objection to special charge no later than seven (7) days before hearing		Filed with Clerk
	Sec. 20(6)	Municipality can revise roll by filing proposed revision not later than seven (7) days before hearing		Filed with Clerk
	Sec. 20(7)	Local improvement roll certified without Court of Revision hearing if no objection or revision received.		Treasurer
	Sec. 21(1)	Preparation and certification of statement of actual costs		Engineer and Treasurer
	Sec. 22	Local improvement roll and statement of costs available in Clerk's Office for viewing prior to hearing and provided to Court of Revision before hearing		Clerk's office
	Sec. 28	Local improvement roll corrected as necessary to give effect to decision of Court of Revision		Treasurer
	Sec. 28	Certification of local improvement roll		Treasurer
	Sec. 29	Special Charges By- Law		P & D
Sec. 4.5.7.		Notice to owners of passing of Special charges by- law including certified local improvement roll and payment options		P & D
Sec. 4.5.7. (b) & (c)		Special Charges not paid in full as one lump sum added to tax accounts		Treasury

Schedule "B"
Expression of Interest for work as a local improvement

We, the undersigned owners of property fronting _____(insert name of street), hereby express to the Council of the Corporation of the Town of Fort Frances, our interest in undertaking the following work as a local improvement. In signing this expression of interest, we acknowledge that should the work be undertaken, a special charge pursuant to Ontario Regulation 119/03 and this policy may be imposed. The work requested to be undertaken is as follows:

Address of Property	Name of Owner (printed)	Contact Ph. #	Owner Signature	Date Signed

Schedule "B"
Expression of Interest for work as a local improvement

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Schedule "C"
Local Improvement – Petition
(O. Reg. 119/03 Sec 6)

Note – Use of this form is not mandatory. All written submissions received by the deadline will be accepted.

Local Improvement
Summary of Responsibilities

The following is intended as a supplement to the Local Improvement Policy for the purpose of clarifying the roles and responsibilities of those involved in the local improvement process. Specifically, it will be the responsibility of:

I. Council

- a. to approve this policy and any amendments or exceptions thereto;
- b. to receive all valid expressions of interest for local improvement projects;
- c. to consider all valid petitions for local improvement projects;
- d. to approve bylaws authorizing the construction, assessment and financing of local improvement project(s);
- e. to approve special charges by- law following completion of work.

II. Executive Committee

a. Planning and Development

- i. to consider and make recommendations to Council on expression of interest received, petitions, financing requests and all other matters related to local improvements;
- ii. to consider and make recommendation on amendments or exceptions to this policy, with input from Operations and Facilities Executive Committee;
- iii. to consider and make recommendation to proceed with proposed project based on sufficiency of petition;
- iv. to consider and make recommendations to Council on Special Charges By-Law;

b. Operations and Facilities

- i. To make recommendation to Council on other capital projects appropriate for consideration in conjunction with proposed local improvement project;
- ii. to provide input on amendments or exceptions to this policy;

Local Improvement
Summary of Responsibilities

c. Administration and Finance

- i. To consider financing options for municipal share of costs associated with work done as local improvement project (if necessary);

III. Municipal Planner

- a. To coordinate and administer this policy and the local improvement process, commencing with responding to initial enquiry and dissemination of expression of interest from majority of property owners;
- b. To forward expression of interest to Manager of Operations and Facilities
- c. To prepare report to Council including information of proposed project, detailed costs, etc. and recommendation to notify property owners;
- d. Upon referral of expression of interest, to schedule public meeting, and notify all affected property owners, including all pertinent information on proposed project;
- e. To attend public meeting;
- f. To provide Petition to all affected owners within seven days of public meeting;
- g. To prepare any reports required for the by- laws authorizing the work, the financing of the work, or the implementation of special charges;
- h. To schedule Court of Revision Hearing and notify property owners of date;
- i. To prepare and distribute agenda to Court of Revision members;
- j. To attend Court of Revision Hearing;
- k. To prepare Special Charges By- Law for consideration by Executive Committee;
- l. To notify property owners of passage of Special Charges by- Law, including certified local improvement roll as certified and options for payment.

IV. Clerk

- a. To receive Petition for or against proposed project;
- b. To determine value of lots if value cannot be obtained from assessment roll;
- c. To determine sufficiency of, and certify Petition if deemed sufficient;
- d. To receive objections to special charge from property owners

Local Improvement
Summary of Responsibilities

- e. To provide local improvement roll and statement of costs to Court of Revision Hearing and make same available for viewing prior to.

V. Treasurer

- a. To attend public meeting;
- b. To prepare local improvement roll;
- c. To receive notification of any objections and to certify local improvement roll if required;
- d. To ensure cost of work proposed does not exceed debt limit of the Town and to notify Municipal Planner for inclusion in appropriate report;
- e. To prepare and certify, along with the Engineer, a statement of actual costs of the work (comprising of calculation of municipal share of costs and recoverable costs for collection of local improvement);
- f. To participate with the Treasurer to include municipal share of costs and any associated capital works in budget process, if applicable;
- g. To attend Court of Revision Hearing;
- h. To correct local improvement roll as necessary to give effect to decisions of Court of Revision;
- i. To certify local improvement roll as final and provide same to the Municipal Planner;
- j. To control the collection, prepayment and commutation of all local improvement special charges.

VI. Manager of Operations and Facilities

- a. Following notification of expression of interest, to prepare cost estimate for work and provide same to Municipal Planner;
- b. To respond to technical enquiries about the works, including the likeliness and timing of work in association to the budget / tendering process;

Local Improvement
Summary of Responsibilities

- c. To consider implications of proposed project in regards to other capital work appropriate for consideration at the same time and, if appropriate, make recommendation to Council, through executive committee;
- d. To attend public meeting;
- e. To determine municipal share of costs of project in accordance with legislation, if any;
- f. To participate with the Treasurer to include municipal share of costs and any associated capital works in budget process, if applicable;
- g. To administer and oversee work to be done, as necessary;
- h. To prepare and certify, along with the Treasurer, a statement of actual costs of the work (comprising of calculation of municipal share of costs and recoverable costs for collection of local improvement);
- i. To attend Court of Revision Hearing.