

BILL NO. 3

Government Bill

*3rd Session, 56th General Assembly
Nova Scotia
44 Elizabeth II, 1995*

An Act to Incorporate the Halifax Regional Municipality

The Honourable Sandra L. Jolly
Minister of Municipal Affairs

**REPRINTED WITH CHANGES AS RECOMMENDED
BY THE LAW AMENDMENTS COMMITTEE**

*Halifax
Printed by Queen's Printer for Nova Scotia*

An Act to Incorporate the Halifax Regional Municipality

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Halifax Regional Municipality Act*.

2 In this Act,

(a) "administrative order" means a resolution of the Council that is required to be recorded in the by-law book of the Regional Municipality;

(b) "Administrator" means that officer of the Regional Municipality designated by the Council by administrative order to be responsible for the provisions of this Act respecting dangerous and unsightly premises, and includes a person acting under the supervision and direction of the Administrator;

(c) "area" means a polling district or districts, or a part of a polling district or districts, or one or more polling districts with a part or parts of another or other polling district or districts, as defined by the Council for a particular purpose;

(d) "automatic machine" means any pinboard, or any automatic or slot machine, so called, that is operated by the introduction of a coin or counter, and includes an automatic vending machine, but does not include automatic scales, telephone apparatus or electric meters, nor those things the use or keeping of which is prohibited by law;

(e) "Board" means the Nova Scotia Utility and Review Board;

(f) "business occupancy assessment" has the same meaning as in the *Assessment Act*;

(g) "Chief Administrative Officer" means the Chief Administrative Officer of the Regional Municipality;

(h) "Clerk" means the Clerk of the Regional Municipality;

(i) "commercial property" has the same meaning as in the *Assessment Act*;

(j) "community" means an area in the Regional Municipality entitled to elect a community council pursuant to this Act;

(k) "community council" means the council of a community;

(l) "Co-ordinator" means the person appointed by the Governor in Council to design and implement the administrative structure of the Regional Municipality;

(m) "Council" means the Council of the Regional Municipality;

(n) "councillor" means a member of the Council other than the Mayor;

(o) "dog" means any dog, male or female, or any animal that is the result of the breeding of a dog and any other animal;

(p) "dwelling unit" means living quarters, accessible from a private entrance either outside a building or in a common area within the building, that are occupied or, if unoccupied, are reasonably fit for occupancy, and that

(i) contain kitchen facilities within the unit, and

(ii) have toilet facilities that are not shared with the occupants of other dwelling units;

(q) "Engineer" means the Engineer of the Regional Municipality and includes a person acting under the supervision and direction of the Engineer;

(r) "fiscal year" means the period from April 1st in one year to March 31st in the following year, both dates inclusive;

(s) "Mayor" means the member of the Council who is the chair of the Council;

(t) "Minister" means the Minister of Municipal Affairs;

(u) "municipal government" means a municipal unit, village or service commission in the County of Halifax and includes every authority, board, commission, corporation or other entity of a municipal unit, village or service commission in the County of Halifax and every joint authority, board, commission, committee or other entity involving a municipal unit, village or service commission in the County of Halifax;

(v) "municipal unit" means the Town of Bedford, the City of Dartmouth, the City of Halifax or Halifax County Municipality;

(w) "municipality" means a regional municipality, town or municipality of a county or district;

(x) "owner" of a dog includes any person who possesses, has the care of, has the control of or harbours a dog, and where the person is a minor, includes the person responsible for the custody of the minor;

(y) "owner" of property includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building, and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of any land or building in case of the absence or disability of the person having title to it, any person who occupies

shores, beaches or shoals and, in the absence of proof to the contrary, includes the person assessed for the property;

(z) "rates and taxes of all kinds" means rates and taxes payable and includes all rates, taxes and charges for water, underground wiring, sewer use or construction, sidewalks, curbs, gutters and paving, and any other special rates, taxes and charges authorized by law;

(aa) "Regional Municipality" means the Halifax Regional Municipality established by this Act and includes the area over which that body corporate has jurisdiction;

(ab) "residential property" has the same meaning as in the *Assessment Act*;

(ac) "resource property" has the same meaning as in the *Assessment Act*;

(ad) "school board" means a school board as defined in the *School Boards Act* that, from time to time, is responsible for the provision of schools in the Regional Municipality;

(ae) "service commission" means a board, commission or corporation created by or under the authority of an enactment, that may

(i) provide for an area or the residents of an area, services similar to one or more of those that may be provided by a regional municipality for its residents, and

(ii) levy rates and taxes, or require a municipal unit to levy rates and taxes, other than or in addition to water or electric rates fixed or approved under the *Public Utilities Act*,

but does not include a municipal unit, village or school board as defined in the *School Boards Act*;

(af) "sewage" means the combination of liquid and water-carried wastes from residences, institutions, commercial establishments and industrial establishments, containing animal, vegetable or mineral matter in suspension or solution, together with such groundwater, surface water or stormwater as may be present;

(ag) "stormwater" means the water from precipitation of all kinds and includes water from the melting of snow and ice, groundwater discharge and surface water;

(ah) "stormwater system" means any method or means of carrying stormwater, including ditches, swales, pipes, sewers, drains, canals, ravines, gullies, pumping stations, retention ponds, streams, watercourses, floodplains, ponds, springs, creeks, conduits, public or private streets, roadways or driveways;

(ai) "street" means all public streets, roads, lanes, sidewalks, thoroughfares, bridges and squares, and all curbs, gutters, culverts and retaining walls in connection therewith;

- (aj) "trailer" includes a mobile home;
- (ak) "Treasurer" means the Treasurer of the Regional Municipality;
- (al) "village" means village commissioners incorporated pursuant to the *Village Service Act* or to whom the *Village Service Act* applies;
- (am) "wastewater facilities" means the structures, devices, equipment, processes and appurtenances intended for the collection, transportation, pumping and treatment of sewage and disposal of the effluent.

3 (1) The Governor in Council shall appoint a person to be the Co-ordinator of the Regional Municipality.

(2) The Co-ordinator is responsible for designing and implementing the administrative structure of the Regional Municipality.

(3) The Co-ordinator shall employ appoint the Chief Administrative Officer and, on the recommendation of the Chief Administrative Officer, the heads of departments.

(4) The Chief Administrative Officer, in consultation with the Co-ordinator, shall employ appoint all other employees of the Regional Municipality, effective April 1, 1996, or such earlier date as the Chief Administrative Officer deems expedient.

(5) Preference in employment shall be given to an employee of municipal government over another person where the employee has qualifications, experience and ability at least equal to that other person.

(6) Subsection (5) does not apply to the appointment of the Chief Administrative Officer.

(7) On or before April 1, 1996, the Co-ordinator shall establish a pension plan in accordance with the *Pension Benefits Act* to replace the pension plan established pursuant to the *Halifax Superannuation Act*.

~~(7)~~(8) The Co-ordinator has all of the powers of the Council and of the board of police commissioners until the Council first takes office pursuant to this Act.

~~(8)~~(9) The Co-ordinator may contract and be contracted with, sue and be sued, acquire real and personal property, engage officers and employees, prescribe a seal, and do such things and make such expenditures as are required for the orderly establishment of the Regional Municipality.

~~(9)~~(10) Section 22 does not apply to a contract entered into by the Co-ordinator.

~~(10)~~(11) The Co-ordinator may, with the approval of the Minister, borrow such sums as may be required for the purpose of this Section and Sections 4 to ~~10~~ 9, and the sums borrowed shall be repaid by the Regional Municipality in not more than five annual instalments, as determined by the Council.

~~(11)~~(12) All acts of the Co-ordinator have, upon the incorporation of the Regional Municipality, full force and effect, and shall be and be deemed to have been exercised by the Regional Municipality.

~~(12)~~(13) The officers and employees of the municipal governments shall render assistance to the Co-ordinator upon request, and furnish all information and perform all acts requested by the Co-ordinator.

~~(13)~~(14) The Co-ordinator has all of the powers of a commissioner appointed pursuant to the *Public Inquiries Act*.

4 (1) The Co-ordinator shall apply to the Board for a determination, and the Board shall determine, the number of councillors and the boundaries of the polling districts in the Regional Municipality.

(2) Ordinary polling day for the first election of the Mayor and councillors of the Regional Municipality is December 2, 1995.

(3) Nomination day for the first election of the Mayor and councillors of the Regional Municipality is October 30, 1995.

(4) Proceedings for the first election of the Mayor and councillors of the Regional Municipality shall be as nearly as may be as specified in the *Municipal Elections Act*, but the Co-ordinator may abridge any time period contained therein.

(5) The Co-ordinator shall, with the assistance of employees of the municipal governments, provide for the first election of the Mayor and councillors of the Regional Municipality.

(6) Notwithstanding the *Municipal Elections Act*, a member of the council of a municipal unit is eligible to be elected to the Council.

(7) The Council shall take office on January 9, 1996.

(8) Each member of the Council is entitled to remuneration from the Regional Municipality from the date that member takes office, except that no member of the council of a municipal unit who is elected to the Council may receive remuneration from the municipal unit from that date.

(9) Notwithstanding the *Municipal Elections Act*, there shall not be an election for Mayor and councillors in the Regional Municipality in 1997, and the term of office of the members of the Council elected in ~~1996~~ 1995 ends at the first meeting of the Council after the municipal election in 2000.

5 The Co-ordinator may recommend to the Council the establishment of community councils, including the boundaries of the communities.

6 (1) A municipal government shall not, without the consent of the Co-ordinator, replace an employee who retires, resigns, is laid off or is dismissed, hire a new employee, convert an employee from part-time to full-time status or promote an employee.

(2) A municipal government may, with the approval of the Co-ordinator, provide an early retirement program for its employees and may provide severance benefits for any of its employees who are not employed by the Regional Municipality.

(3) The Regional Municipality may provide early retirement or severance benefits for any employee of a municipal government who is not employed by the Regional Municipality in cases where the municipal government has not provided early retirement or severance benefits to that employee.

(4) An early retirement program may be limited to the incumbents of positions that the Co-ordinator or the Chief Administrative Officer considers to be unnecessary for the Regional Municipality.

(5) The cost of severance benefits provided by the Regional Municipality shall be borne by the Regional Municipality and not be charged to the area of the municipal government that formerly employed the employee, and the sums required may be borrowed by the Regional Municipality and shall be repaid by the Regional Municipality in not more than five annual instalments, as determined by the Council.

(6) A municipal government shall not enter into any lease, contract or other commitment that has effect after, or a term extending beyond, April 1, 1996, without the approval of the Co-ordinator.

(7) A municipal government shall not dispose of any capital asset without the approval of the Co-ordinator.

(8) The Council may, after it takes office, provide a severance plan for members of the councils of municipal units who were not elected to the Council.

~~(9) Halifax County Municipality shall design and site a sanitary landfill in the County of Halifax for the Regional Municipality and is not subject to the Planning Act or a land-use by-law with respect to such siting.~~

7 The Minister may, by order, provide for anything necessary or incidental to the incorporation and effective government of the Regional Municipality, and may include any orders, directions and conditions that are necessary or desirable in connection therewith.

8 (1) Upon the incorporation of the Regional Municipality, the City of Dartmouth, the City of Halifax, the Town of Bedford and Halifax County Municipality, together with all villages and service commissions in the County of Halifax, are dissolved, and the assets and liabilities of them are vested in the Regional Municipality including, with the exception of benefits and entitlements created by Section 71 of the *Labour Standards Code*, all employee benefits and entitlements.

(2) Upon the incorporation of the Regional Municipality, every authority, board, commission, corporation or other entity of a municipal government in the County of Halifax and every joint authority, board, commission, committee or other joint entity involving a municipal government in the County of Halifax is dissolved and their assets and liabilities are vested in the Regional Municipality

including, with the exception of benefits and entitlements created by Section 71 of the *Labour Standards Code*, all employee benefits and entitlements.

(3) The vesting of any asset of a municipal government in the Regional Municipality does not void any policy of insurance with respect to the asset, including public liability policies, and the Regional Municipality is deemed to be the insured party for purposes of any such policy.

(4) Nothing in this Act dissolves any authority, board, commission, committee or other entity that includes representatives of municipalities situate outside the Regional Municipality.

(5) Notwithstanding subsection (2), effective April 1, 1996, the Halifax Regional Library Board, the Dartmouth Regional Library Board and the Halifax County-Bedford Regional Library Board are amalgamated and continued as a regional library board on such terms and conditions as the Minister of Education may approve.

(6) The Regional Municipality shall continue to pay any pension or annuity being paid by a municipal government on March 31, 1996, according to its terms.

(7) The Regional Municipality is a successor employer for purposes of the *Pension Benefits Act*.

9 (1) The Regional Municipality is a transferee for the purpose of Section 31 of the *Trade Union Act* and, for greater certainty,

(a) the Regional Municipality is bound by successor rights as determined pursuant to the *Trade Union Act*; and

(b) subject to the *Trade Union Act*, the Regional Municipality and the employees, who are covered by collective agreements, of a municipal government are bound by the collective agreements as if the Regional Municipality were a party to them.

(2) The *Public Sector Compensation (1994-97) Act* applies to the Regional Municipality, the Mayor, the councillors and the employees of the Regional Municipality except that, notwithstanding subsection 3(4) of that Act,

(a) Section 23 of that Act does not apply;

(b) the Labour Relations Board may exercise all of its powers under the *Trade Union Act* but the total effect of any changes to collective agreements shall not increase the total cost of all compensation in respect of all employees to whom the collective agreements changed apply and the pay rates, as defined by the *Public Sector Compensation (1994-97) Act*, are not more than permitted by that Act;

(c) no change shall be made in a collective agreement without the approval of the Labour Relations Board in accordance with clause (b); and

(d) the Labour Relations Board may exercise its powers pursuant to this Section upon the coming into force of this Act.

(3) Where the Labour Relations Board, in applying subsections (1) and (2), determines that those employees as defined in Section 2 of the *Trade Union Act* who are employed by the Regional Municipality and who were not previously included in a bargaining unit of a municipal government be included in a bargaining unit of the Regional Municipality, those employees shall be deemed to have seniority credits with the Regional Municipality equal to the employment service they had with that municipal government.

(4) Where an employee of a municipal government is employed by the Regional Municipality, the period of employment and seniority of that employee with the municipal government at the time of the incorporation of the Regional Municipality shall be deemed to have been employment and seniority with the Regional Municipality and the continuity of employment and seniority is not broken.

(5) Where an employee, as defined in Section 2 of the *Trade Union Act*, of a municipal government is employed by the Regional Municipality in a position which becomes a bargaining unit position, the employee's right to employment in the position is not affected by whether that employee was previously employed pursuant to a collective agreement and the employee shall be deemed to have seniority credits with the Regional Municipality equal to the employee's employment service with that municipal government.

(6) No provision of a collective agreement with a municipal government that purports to favour the employees of one municipal government in obtaining employment with the Regional Municipality over those of another municipal government has any force or effect.

10 Where, in the opinion of the Minister of Labour, the workload of the Labour Relations Board requires additional members, the Governor in Council may, in addition to the Vice-chair appointed pursuant to subsection 16(4) of the *Trade Union Act*, appoint additional members and Vice-chairs to the Labour Relations Board for such period of time as is set out in the appointment.

PART I

THE REGIONAL MUNICIPALITY

11 (1) On and after April 1, 1996, the inhabitants of the County of Halifax are a body corporate under the name "Halifax Regional Municipality".

(2) The Governor in Council may, on the request of the Regional Municipality, change the name of the Regional Municipality to a name chosen by the Council.

(3) The powers of the Regional Municipality shall be exercised by the Council.

(4) In the general exercise of its authority under this Act, the Council shall take into account the principle of accessibility for its disabled citizens.

12 (1) There shall be one councillor elected for each polling district in the Regional Municipality.

(2) Each member of the Council, while in office, may administer oaths and take and receive affidavits, declarations and affirmations within the Province for use within the Province.

13 (1) The Mayor of the Regional Municipality shall be elected at large.

(2) Every person eligible to vote for a councillor is eligible to vote for the Mayor.

(3) The Mayor shall preside at all meetings of the Council.

(4) During the temporary absence of the Mayor, the Deputy Mayor shall preside and, if neither is present, the Council may appoint a person to preside from among the members present.

~~14 (1) The Mayor is the chief executive officer of the Regional Municipality.~~

~~(2) The Mayor shall cause the administration and government of the Regional Municipality to be conducted in accordance with law, supervise the conduct of the officers of the Regional Municipality and communicate such information and recommend such measures to the Council as will improve the finances, administration and governance of the Regional Municipality.~~

14 The Mayor shall monitor the administration and government of the Regional Municipality and the conduct of the employees of the Regional Municipality, and communicate such information and recommend such measures to the Council as will improve the finances, administration and government of the Regional Municipality.

15 (1) The Council shall annually select one of its members to be the Deputy Mayor of the Council.

(2) The Deputy Mayor shall act in the absence or inability of the Mayor or in the event of the office of Mayor being vacant.

(3) The Deputy Mayor, when notified that the Mayor is absent or unable to fulfil the duties of Mayor, or that the office of Mayor is vacant, has all the power and authority and shall perform all the duties of the Mayor.

(4) The Deputy Mayor is not entitled to any additional remuneration as such except when acting as Mayor.

16 (1) The Mayor may resign the office of Mayor or a councillor may resign the office of councillor at any time by delivering to the Clerk a signed resignation.

(2) The Mayor or a councillor who ceases to be ordinarily resident in the Regional Municipality is not qualified to serve as Mayor or as a councillor.

(3) The Mayor or a councillor who, without leave of the Council, is absent from three consecutive regular meetings of the Council, ceases to be qualified to serve as Mayor or as a councillor.

(4) When a seat becomes vacant, the Clerk shall report the facts to the Council in writing.

17 (1) The Council shall provide, by administrative order, for regular meetings of the Council and fix the time and place of the regular meetings.

(2) Notice of regular meetings is not necessary.

(3) In addition to regular meetings, the Council may hold other meetings necessary or expedient for the dispatch of business at such time and place as it appoints, if each member of the Council is notified at least three days in advance, except in an emergency.

(4) Where the Council fails to meet at any time appointed by law, it is not thereby dissolved, but may hold future meetings as if there had been no failure.

(5) A meeting of the Council is not an illegal or invalid meeting by reason only of failure to give notice, or by reason of meeting elsewhere than provided in the by-laws or an administrative order or a notice of a meeting.

18 (1) All meetings of the Council shall be open and public.

(2) A majority of the members of the Council constitutes a quorum for the transaction of business.

(3) All questions arising in the Council shall be decided by a majority of votes and the person presiding may vote on all questions before the Council, and in the event of a tie, the question voted on is determined in the negative.

(4) The person presiding at a meeting of the Council may cause to be expelled and excluded a person who is disrupting the proceedings of the Council.

(5) Nothing in this Section prevents the members of the Council from meeting in private to discuss matters related to personnel, ~~land acquisition~~ the acquisition, sale, lease and security of property, labour relations, legal opinions and other similar matters, but any decision shall be made in an open and public meeting of the Council.

19 (1) The Council may make administrative orders, not inconsistent with any enactment, in respect of all matters coming within the following classes of subjects:

(a) fixing the date, hour and place of the meetings of the Council and the notice to be given for them;

(b) regulating its own proceedings and preserving order at meetings of the Council;

(c) providing for standing and special committees and conferring powers and duties upon them;

(d) providing and fixing

(i) the salary to be paid to the Mayor, and to the Deputy Mayor when acting as Mayor,

(ii) the remuneration to be paid to councillors, which remuneration shall be at a yearly rate,

(iii) that part of the salary or remuneration that is an allowance for expenses incidental to the discharge of their duties as elected officers of the Regional Municipality,

(iv) the deduction to be made from their remuneration for missing more than three Council or committee meetings in any year, and

(v) the rate per kilometre for a travelling allowance for actual distance travelled once each day for going to and returning from every daily session of a meeting of the Council or of a committee.

(2) Where a member of the Council is appointed by the Council to any board or commission or other position, any remuneration from that position, excluding reimbursement of expenses, to which that member is entitled shall be paid to the Regional Municipality.

(3) A member of a committee, whether or not a member of the Council, is not entitled to remuneration for serving on the committee, excluding reimbursement of expenses.

~~(3)~~(4) No expense shall be reimbursed to any member of the Council that is not supported by proof that the expense was actually incurred.

20 (1) The boundaries of the Regional Municipality are the boundaries of the County of Halifax unless altered by the Board pursuant to the *Municipal Boundaries and Representation Act*.

(2) No town may be incorporated within the boundaries of the County of Halifax.

(3) All docks, quays, wharves, slips, breakwaters and other structures connected with the shore of any part of the Regional Municipality are and are deemed to be situated within and to form part of the Regional Municipality.

21 (1) A reference in an enactment, deed, will or other testamentary disposition or document to a municipal government is and is deemed to be a reference to the Regional Municipality.

(2) Subject to subsection (3), a reference in an enactment to a city, town or municipality of a county or district includes the Regional Municipality.

(3) The *Industrial Commissions Act*, the *Municipal Act*, the *Towns Act*, the *Village Service Act* and the *Rural Fire District Act* do not apply to the Regional Municipality.

(4) A reference in an enactment, deed, will or other testamentary disposition or document to the mayor, warden or chairman of municipal government is and is deemed to be a reference to the Mayor.

(5) A reference in an enactment to the mayor of a city or town or the warden of a municipality of a county or district or of a municipality pursuant to the *Municipal Act* includes the Mayor.

(6) The by-laws or ordinances, administrative orders and resolutions in force in a municipal government immediately prior to the incorporation of the Regional Municipality continue in force until amended or repealed by the Council.

22 (1) The Regional Municipality has perpetual succession and shall have a common seal.

(2) The seal shall be kept by the Clerk.

(3) Any deed or document to which the Regional Municipality is a party shall be authenticated by the seal of the Regional Municipality, and the Mayor and Clerk shall, when duly authorized, sign the deed or document and affix the seal.

(4) The Mayor shall sign and the Clerk shall countersign every written contract entered into by the Regional Municipality.

(5) Subsections (3) and (4) do not apply to a contract that may be entered into pursuant to this Act by the Chief Administrative Officer on behalf of the Regional Municipality.

PART II

COMMITTEES

23 (1) The Council may from among its members appoint the standing committees authorized or required by any Act or by the by-laws or administrative orders of the Regional Municipality.

(2) Each committee has the powers and authority and shall perform the duties conferred and imposed on it by this or any other Act or by the by-laws or administrative orders of the Regional Municipality.

(3) The Council may appoint persons who are not members of the Council to a committee.

(4) Where a member of the Council is a member of a committee, board or commission to which the councillor was appointed as a member of the Council, when

that person ceases to be a member of the Council that person ceases to be a member of the committee, board or commission, as the case may be.

24 (1) The Council may appoint such number of citizen advisory committees as the Council determines.

(2) A citizen advisory committee shall advise the Council on such matters and at such times as the Council prescribes by resolution.

25 (1) The Council may appoint a community committee for an area that is not governed by a community council.

(2) An administrative order establishing a community committee shall

(a) define the boundaries of the area for which the committee is responsible;

(b) establish the membership of the committee;

(c) set out the duties of the committee;

(d) prescribe the number of meetings that the committee shall have in any year;

(e) prescribe the number of public meetings that the committee shall have in any year;

(f) prescribe the reporting requirements of the committee;

(g) prescribe the procedures to be followed by the committee;

(h) set out the manner of appointment of the chair of the committee;

(i) define the expenditure authority, if any, of the committee; and

(j) include such other matters as the Council deems advisable.

(3) The powers and duties of a community committee may include

(a) monitoring the provision of services to the area and making recommendations to the Council respecting the appropriate level of services, areas where additional services are required and ways in which the provision of services can be improved;

(b) the establishment of one or more advisory subcommittees;

(c) making recommendations to the Council respecting any matter intended to improve conditions in the area for which the committee is responsible and, in particular, respecting inadequacies in existing services provided to the area, by-laws or regulations, including land-use controls and area planning that are required, and the manner in which they may

be resolved, additional services that may be required and the manner in which the costs of these services may be raised, the adoption of policies that would allow the people of the area to participate more effectively in the governance of the area and whether a community council should be established for the area.

26 (1) On application by not fewer than fifty electors in any one polling district, the Council may, by administrative order, designate an area within that polling district to choose a community advisory committee.

(2) A community advisory committee consists of three members elected at a public meeting of the electors resident within the designated area and the councillor for the polling district that includes the designated area.

(3) A community advisory committee shall advise the Council respecting the provision of services to the area for which it was elected, by-laws or regulations, including land-use control and area planning, that are required in that area and generally respecting any matter intended to improve conditions in that area.

27 (1) Any person appointed by the Council as a member of a board, commission or committee pursuant to this or any other Act who, without leave of the board, commission or committee, is absent from three consecutive regular meetings, ceases to be a member.

(2) The secretary of the board, commission or committee shall immediately notify the Council of a vacancy, and the Council shall fill the vacancy.

PART III

COMMUNITY COUNCILS

28 (1) The Council may, by administrative order, establish a community council for an area.

(2) An administrative order establishing a community council shall define the boundaries of the community.

(3) A community shall include the whole or part of at least three polling districts.

(4) The number of electors in a community shall be at least twice the average number of electors per polling district in the Regional Municipality.

(5) The community council for each community consists of the councillors elected from the polling districts included, in whole or in part, in the community.

29 (1) Where not fewer than five hundred electors have requested the Council to establish a community council for an area and the Council has refused or

has not acted within one hundred and twenty days after the request, the applicants may appeal the refusal or failure to act to the Board.

(2) The Board, if satisfied that the refusal or failure to act was unreasonable, and that a community council ought to be established for the area, may order that a community council be established for the area.

(3) Where the Board orders the establishment of a community council, the area need not be the same as that in the application if the Board considers that a different area would be a more appropriate community.

(4) Where the Council has determined to abolish a community council, the decision may be appealed to the Board.

(5) The Board, if satisfied that the abolition of the community council is unreasonable, may order that it not be abolished.

30 (1) The boundaries of a community may be altered by the Council on its own motion or on application by the community council or at least one hundred electors.

(2) Where the Council refuses to grant an application to alter the boundaries of a community or has not acted within one hundred and twenty days after the application is made, the applicants may appeal the refusal or failure to act to the Board.

(3) The Board, if satisfied that it is in the best interests of the inhabitants of the areas whose status is proposed to be changed, of the inhabitants of the community and of the inhabitants of the Regional Municipality, and taking into consideration the financial and social implications, may allow the appeal, with or without such modifications as the Board may consider are in the interests of the inhabitants of all areas affected.

31 (1) A community council may determine expenditures that should be made in or for the benefit of the community and that are to be recovered from the ratepayers of the community by area rate.

(2) The community council shall, on or before February 1st in each year, submit to the Council its proposed operating budget for services to be provided to the community to be financed by area rate, and its proposed capital budget for projects for which the Regional Municipality will be required to borrow money and will charge back all or part of the debt charges to the community.

(3) The Council shall levy an area rate of a percentage of the assessed value of the residential and resource property assessments in the community that are subject to taxation to recover the cost of

(a) that part of the budget of the community council that is accepted by the Council;

(b) the debt charges applicable to capital expenditures in and for the benefit of the community that have been approved by the Council, except those capital expenditures financed out of the general levy;

(c) the community's fair share of the cost of services provided generally in the Regional Municipality and financed by area rates;

(d) the additional administrative costs determined by the Council to have been imposed by any additional services provided to the community;

(e) the administrative costs of the community council, including any expenses paid to the members;

(f) the estimated deficit from the previous year; and

(g) a reasonable allowance as determined by the Council for the abatement, losses and expenses that may occur in collecting any amounts which may not be collected or collectable,

less

(h) any subsidy to the area rate from the general levy that may be approved by Council;

(i) the estimated surplus from the previous year; and

(j) the revenues from the community attributable to charges levied with respect to services or capital facilities provided.

(4) The area rate may be at different rates in different parts of the community.

(5) The community council may, without the approval of the Council, determine the expenditure of money contained in the budget approved by the Council if the sum of all expenditures does not exceed the sum so approved.

(6) A community council is subject to the general purchasing, contracting and tendering policies established by the Council.

32 (1) A community council may not expend any funds with respect to any capital project that cannot be paid for in full out of the area rate, unless the project has been approved by the Council.

(2) A community council shall not, in any fiscal year, incur or make expenditures that will result in a total expenditure in excess of its budget for that year.

33 The powers and duties of a community council include

(a) monitoring the provision of services to the community and, in particular, the provision of street lighting, fire protection, police protection,

sidewalks, roads and streets, recreational programs, ~~garbage~~ solid waste collection, parks and playgrounds and other services and the making of recommendations to the Council respecting the appropriate level of such services, areas where additional services are required and ways in which the provision of services can be improved;

- (b) the establishment of one or more advisory subcommittees;
- (c) recommending to Council appropriate by-laws, regulations, controls and development standards for the community;
- (d) recommending to Council appropriate user charges for the different parts of the community;
- (e) making recommendations to the Council respecting any matter intended to improve conditions in the community and, in particular, respecting inadequacies in existing services provided to the community and the manner in which these may be resolved, additional services that may be required and the manner in which the costs of these services may be raised and the adoption of policies that would allow the people of the community to participate more effectively in the governance of the community;
- (f) making recommendations to the Council on any matter referred to it by the Council.

34 (1) A community council shall annually elect its own chair from among its members.

(2) The chair shall be elected at the first meeting of the community council after the members are elected and holds office for one year.

(3) A community council may make rules governing its procedures, the appointment of committees and the number and frequency of its meetings.

(4) Any rules passed by a community council shall be filed with the secretary of the community council and with the Clerk.

35 (1) A community council shall hold an annual public meeting in the community in each year to report to the public concerning its activities and to receive the views of the public respecting all matters within its mandate.

(2) All meetings of a community council shall be open to the public.

(3) Nothing in this Section prevents the members of a community council from meeting in private to discuss matters related to personnel, land acquisition, legal opinions and other like matters but any decision shall be made in an open and public meeting of the community council.

36 (1) The Chief Administrative Officer shall appoint an employee of the Regional Municipality to act as the secretary of a community council.

(2) The secretary of a community council is responsible for maintaining the minutes of the community council and its books, records and accounts, and for the certification of any document required to be certified as having been adopted by the community council.

(3) The books, records and accounts of a community council shall be open to the inspection of any person at any time during general office hours.

(4) The Regional Municipality may charge the reasonable costs of compiling the information and supervising access to it.

~~(4)~~(5) The Chief Administrative Officer shall, within the resources allocated by Council for the purpose, ensure that sufficient resources of the Regional Municipality are made available to each community council to permit the community council to carry out its duties.

37 (1) A community council may amend the land-use by-law of the Regional Municipality in force in and applicable to the community with respect to any property in the community if the amendments are consistent with the intent of any municipal planning strategy of the Regional Municipality applicable to the property.

(2) In amending the land-use by-law the community council stands in the place and stead of the Council and the *Planning Act* applies with all necessary changes.

(3) The Council may not amend the land-use by-law with respect to any property within the community except for the purpose of implementing concurrently with the adoption of a municipal planning strategy or an amendment to it.

(4) A community council stands in the place and stead of the Council with respect to minor variances and the *Planning Act* applies with all necessary changes.

38 (1) Where a municipal planning strategy provides for development by agreement, the community council stands in the place and stead of the Council and the *Planning Act* applies with all necessary changes.

(2) The agreement shall be signed by the Mayor and the Clerk on behalf of the Regional Municipality.

(3) Any agreement that commits the Regional Municipality to the provision of any service or the expenditure of any funds, or that assigns to the development more than five per cent of the available excess capacity of any sewer or water system as assigned to the community, is subject to the approval of the Council.

PART IV
OFFICERS

39 (1) The Council shall, by resolution, appoint a duly qualified person to be the Chief Administrative Officer for the Regional Municipality.

(2) The Council shall appoint an employee of the Regional Municipality to perform the duties of the Chief Administrative Officer during any temporary absence or disability of the Chief Administrative Officer.

40 (1) The Chief Administrative Officer is the head of the administrative branch of the government of the Regional Municipality and is responsible to the Council for the proper administration of the affairs of the Regional Municipality in accordance with the by-laws and the policies and plans approved and established by the Council.

(2) The Chief Administrative Officer may

(a) co-ordinate and direct the preparation of plans and programs to be submitted to the Council for the construction, rehabilitation and maintenance of all municipal property and facilities;

(b) prepare and compile the annual budget and submit it to the Council and be responsible for its administration after adoption;

(c) review the drafts of all proposed by-laws and administrative orders and make recommendations to the Council with respect to them;

(d) attend all meetings of the Council and any board, committee, commission or corporation of the Regional Municipality and make observations and suggestions on any subject under discussion;

(e) appoint, suspend and remove all employees of the Regional Municipality except directors of departments and officers, with power to further delegate this authority;

(f) suspend any director of a department if a written report of the reasons for the suspension is delivered to each member of the Council as soon as may be after the suspension takes effect, and subject to the right of the Council to confirm, vary or cancel the suspension;

(g) act, or appoint a person to act, as bargaining agent for the Regional Municipality in the negotiation of contracts between the Regional Municipality and any trade union or employee association and recommend to the Council agreements with respect to them;

(h) make or authorize the making of expenditures for the purchase of equipment, supplies or any other thing required for the carrying on of the business of the Regional Municipality and enter into contracts therefor on behalf of the Regional Municipality where the amount of the expenditure does not exceed the amount to the credit of the budget appropriation provided therefor;

(i) sell, under such terms and conditions as the Council may prescribe by resolution, any personal property belonging to the Regional Municipality that, in the opinion of the Chief Administrative Officer, is no longer needed by the Regional Municipality or that is obsolete, unsuitable for use or surplus to requirements;

(j) personally, or by an agent, negotiate and execute leases of real property owned by the Regional Municipality that are, either directly or by right of renewal, for a term not exceeding one year, containing such terms and conditions as the Council may, by resolution, prescribe;

(k) authorize, in the name of the Regional Municipality, the commencement of or the defence of any legal action or proceedings before any court, board or tribunal and report the commencement of the legal action, defence or other proceedings to the Council at the next meeting;

(l) carry out such additional duties and exercise such additional responsibilities as the Council may, from time to time, prescribe.

(3) A lease executed by the Chief Administrative Officer is as binding on the Regional Municipality as if it had been specifically authorized by the Council and executed by the Mayor and Clerk on behalf of the Regional Municipality.

41 (1) All directors of departments and officers of the Regional Municipality are accountable to the Chief Administrative Officer for the performance of their duties and shall submit the reports and recommendations required of them to and through the Chief Administrative Officer.

(2) A report or recommendation from the solicitor of the Regional Municipality shall be presented to the Council by the solicitor but the Chief Administrative Officer shall be informed of the contents in advance.

(3) If a director of a department or an officer of the Regional Municipality disagrees with a recommendation of the Chief Administrative Officer, the objections may be provided to the Chief Administrative Officer who shall present them to the Council.

(4) The Council shall, except for the purpose of enquiry, deal with the administrative service of the Regional Municipality solely through the Chief Administrative Officer, and shall provide any direction on the administration, plans, policies or programs of the Regional Municipality to the Chief Administrative Officer.

(5) Neither the Council nor any member of the Council nor any committee established by the Council shall give orders, either publicly or privately, to any officer, director or employee of the Regional Municipality.

(6) No member of the Council may be employed by the Regional Municipality during the term for which the member was elected and for the two years following that term.

42 (1) The Council shall designate an employee of the Regional Municipality to perform the duties of the Clerk of the Regional Municipality.

(2) The Clerk shall

- (a) record in a minute book all the proceedings of the Council;
- (b) account for the attendance of each member of the Council at every meeting of the Council;
- (c) keep the by-laws of the Regional Municipality;
- (d) perform such other duties as are prescribed by the Chief Administrative Officer, the Council or an enactment.

(3) For the purpose of an enactment, the Clerk has all the powers and duties of the clerk of a municipality.

~~43 (1) The Council may, by resolution, authorize the destruction of any documents or records of the Regional Municipality after they are no longer required, if the Clerk or other officer in charge of the documents or records has certified to the Council that each of the documents or records proposed to be destroyed has been examined and that there is nothing of value in them.~~

(1) The Council may, by administrative order, establish a policy for the destruction of records.

(2) Nothing authorizes the destruction of

- (a) deeds, mortgages or other documents or records relating to the title of real property;
- (b) court records;
- (c) records required to be kept by any enactment;
- (d) records less than six years old;
- (e) minutes, by-laws, administrative orders or resolutions of the Council; or
- (f) plans and surveying records.

(3) The Council may, by administrative order, specify further classes of documents that are not to be destroyed or that are to be kept for a period longer than six years.

(4) When a document or record of the Regional Municipality has been destroyed or when, in the opinion of a court or a judge, it is desirable that the original document or record of the Regional Municipality should not be produced in court, any photographic or electronic reproduction of the document or record is admissible in evidence in any court to the same extent as the original could have been produced and is *prima facie* proof of such document, if the Clerk certifies that the reproduction is

part of the records and documents of the Regional Municipality and that it is a true reproduction of the original.

44 Where in any action or proceeding it is necessary to prove the appointment of any officer of the Regional Municipality, a certificate purporting to be under the hand of the Clerk and the seal of the Regional Municipality, stating that the officer was so appointed, is sufficient proof of the appointment, without any proof of the signature of the Clerk, or of the seal or of the official character of the Clerk.

45 If the Clerk wilfully gives a false certificate that any resolution, administrative order or by-law has been passed by the Council, or that any by-law has been approved by the Minister or by the Governor in Council, or that any appointment has been made by the Council, or that any person has taken an oath of office, or as to any other matter or thing that the Clerk is authorized or required to certify, the Clerk is liable on conviction to a penalty not exceeding five thousand dollars or in default of payment to imprisonment for a period of not more than ninety days.

46 (1) The Chief Administrative Officer shall designate an employee of the Regional Municipality to be the Treasurer of the Regional Municipality.

(2) For the purpose of an enactment, the Treasurer has all the powers and duties of the treasurer and of a collector of a municipality.

(3) The Treasurer may delegate any of the powers or duties of the Treasurer pursuant to this or any other Act to an employee of the Regional Municipality.

47 The Treasurer shall promptly advise the Council of all moneys due the Regional Municipality that the Treasurer considers cannot reasonably be collected and the reasons therefor, and the Council may write off the amounts determined to be uncollectable.

48 (1) The Chief Administrative Officer may appoint an Engineer for the Regional Municipality.

(2) Where the Engineer has authority to require that any thing, matter or work be done by any person, the Engineer may, where such a power is not specifically provided for, in default of it being done, direct that the thing, matter or work be done.

(3) The refusal or neglect of any person to do any thing, matter or work when directed by the Engineer is an offence.

(4) The Engineer may enter upon a property for the purpose of inspection, observation, measurement, sampling, testing or work in accordance with the provisions of this Act or any by-law made pursuant to this Act, at any reasonable hour upon reasonable notice, or at any time in the event of an emergency.

49 (1) Where the Engineer or the Administrator has done work or caused to be done work pursuant to this Act, the cost of the work done, together with interest at the rate determined by the Council by administrative order from the date of the completion of the work until the date of payment, is a lien on the property upon which or for the benefit of which the work was done.

(2) Where the owner of the property fails to pay the money or interest to the Regional Municipality within one month after receipt of a demand therefor, the Engineer or the Administrator shall furnish the Treasurer with a report on the matter accompanied by a certified statement of the amount so expended and unrecovered.

(3) The Treasurer shall advertise and sell the property and apply the proceeds of the sale in the same manner as provided for the sale of land for taxes.

(4) The Treasurer shall add to the amount due for rates and taxes and other lien charges and to the unrecovered amount interest from the date of the expenditure or any part of the expenditure to the date of the proposed sale at the rate determined by the Council by administrative order and the same expenses as allowed for a sale of land for taxes.

(5) The amount set out in the Treasurer's advertisement is *prima facie* the correct sum due.

(6) Nothing contained in this Section prevents the Treasurer from correcting any error in the amount for which the property was advertised to be sold and from discontinuing the sale and from again advertising and selling the property for the correct amount due.

(7) In addition to the remedies prescribed in this Section, the Treasurer may sue for and recover any sum due from the owner of the property on which the work was done.

50 (1) Where approval or permission of the Engineer is required by this Act before any work or thing may be done, an appeal lies to the committee of Council from time to time charged with responsibility for wastewater facilities from the decision of the Engineer to refuse to grant approval or permission and the committee shall either direct the Engineer to grant the approval or permission or uphold the decision of the Engineer.

(2) The right of appeal expires thirty days after the Engineer gives a decision in writing to the owner with respect to the approval or permission.

51 (1) The books, assessment rolls, records and accounts of the Regional Municipality shall be open at all reasonable hours to the inspection of any person.

(2) The Regional Municipality may charge the reasonable costs of compiling the information and of supervising access to it.

52 (1) The Council may, by resolution,

- (a) establish departments of the municipal administration;
 - (b) adopt a system of classification of positions of municipal officers and employees and specify offices that may not be filled by the same person;
 - (c) determine the salaries, wages and emoluments to be paid to municipal officers and employees, including payment pursuant to a classification of positions adopted by the Council;
 - (d) where not otherwise provided for, regulate and fix the amount in which security is to be given by municipal officers and employees, the form of security, the manner in which it is to be given and approved and the nature of the security to be given.
- (2) The Council shall, on the recommendation of the Chief Administrative Officer, appoint the directors of the departments.

53 (1) The Council shall appoint a firm or partnership registered as a municipal auditor pursuant to the *Municipal Affairs Act*, to be the auditor for the Regional Municipality.

(2) The auditor for the Regional Municipality shall also be the auditor for every board or commission wholly owned, operated and managed by or on behalf of the Regional Municipality unless an enactment applicable to the board or commission otherwise provides.

54 (1) The auditor shall make a report to the Council on all accounts and funds administered by the Council together with a report on all accounts and funds where the control is apparent or implied in the Council, notwithstanding that the accounts or funds may be administered for or on the behalf of Council by a commission, committee or board, and the report shall contain the information and be in the form required pursuant to the *Municipal Affairs Act*.

(2) The auditor shall make a public report to the Council of the particulars of all instances of fraud and illegal or unauthorized acts discovered during the audit, but this report is not part of the report on the financial statements of the Regional Municipality.

(3) Any management letter or other communication detailing weaknesses in internal control, deficiencies in management information systems or other area requiring attention for improvement shall be reported to the Council and to the Minister.

(4) The financial statements of the Regional Municipality, as reported on by the auditor, shall set out the total remuneration and expenses paid to each member of the Council, the Chief Administrative Officer and the directors of departments.

55 (1) The auditor has access at all times to the books, accounts and vouchers of the Regional Municipality and is entitled to require from the officers of

the Regional Municipality such information and explanations as may be necessary for the performance of the auditor's duties.

(2) The officers and employees of the Regional Municipality shall promptly provide access, information and explanations to the auditor when requested.

56 (1) The Council shall annually appoint an audit committee.

(2) The responsibilities of the audit committee include

(a) detailed review of the financial statements of the municipality with the auditor;

(b) evaluation of internal control systems and any management letter with the auditor;

(c) review of the conduct and adequacy of the audit;

(d) such other matters as may be prescribed by the Council, such matters arising out of the audit as may appear to the committee to require investigation and such additional matters as may be prescribed pursuant to the *Municipal Affairs Act* as duties of an audit committee.

57 (1) In this Section,

(a) "full-time employee" means any employee who is not a part-time employee;

(b) "part-time employee" means a person who is employed in less than full-time continuous employment.

(2) The Council shall establish a pension plan to provide pensions for full-time employees in such manner as the Council may, by resolution, determine.

(3) The Council may establish a pension plan to provide pensions for part-time employees in such manner as the Council may, by resolution, determine.

(4) A pension plan established pursuant to this Section may provide pensions for employees of a board, commission, committee, body or local authority established by the Regional Municipality or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of the Regional Municipality.

(5) A pension plan established pursuant to this Section may provide a pension for the Mayor or for councillors.

(6) The Regional Municipality or a board, commission, committee, body or local authority, as the case may be, and the employees and, where subsection (5) applies, the Mayor or councillors shall make contributions to the cost of the pension plan.

(7) The pension plan may provide for annual increases in the pensions paid pursuant to the plan but the increases shall not exceed the lesser of six per cent and the percentage increase in the cost of living in the preceding year as measured by the change in the Consumer Price Index for Canada prepared by Statistics Canada.

(8) For greater certainty, the *Pension Benefits Act* applies to a pension plan established pursuant to this Section.

PART V

POWERS

58 (1) The Council shall act in the exercise of its powers and duties by resolution, by administrative order or by by-law.

(2) The Council may exercise any of its powers and duties by resolution, except where an administrative order or a by-law is required by an enactment.

(3) The Council may exercise, by by-law, any of its duties and powers that it is permitted to exercise by resolution or administrative order.

(4) The Council may make and carry out any contract, perform any act, do any thing and provide any service for which the Regional Municipality or the Council is given power either by this Act or by any other Act to appropriate or pay money or for which the Regional Municipality or the Council may borrow money.

59 (1) A plebiscite shall be held in the Regional Municipality or in an area of it when so directed by a resolution of the Council.

(2) All expenditures incurred in holding a plebiscite may be collected by an area rate on the area in which the plebiscite is held.

60 (1) Where a plebiscite is to be held, the Clerk shall determine the place, date and time of any public meeting to be held in connection therewith and shall require the returning officer appointed pursuant to the *Municipal Elections Act* to conduct the plebiscite.

(2) A plebiscite shall be held as nearly as may be in the manner provided for the conduct of a special election pursuant to the *Municipal Elections Act*.

(3) The plebiscite shall be held on a Saturday not more than ten weeks after the resolution requiring a plebiscite has been given to the Clerk.

(4) The returning officer shall give public notice of the date of

- (a) the public meeting;
- (b) advance polling days; and
- (c) ordinary polling day,

at least seven days before each such day in the manner provided by the *Municipal Elections Act*.

61 The Council may make administrative orders, not inconsistent with any enactment,

(a) setting the rate of interest to be charged on all overdue rates and taxes, area rates and water and sewer and other charges or sums owing to the Regional Municipality;

(b) regulating the use of facilities for the disposal of ~~garbage and waste solid waste~~, providing for times and conditions under which they may be used and setting charges for the use of such facilities as are operated by the Regional Municipality;

(c) fixing and regulating, altering and amending the fees to be paid for licences issued pursuant to any by-law of the Regional Municipality;

(d) delegating to an official or to a standing committee the power to issue, refuse, suspend, cancel and revoke licences and permits, not including building permits, but where the power is delegated, there is an appeal from the official to a standing committee or to the Council, and an appeal from a standing committee to the Council;

(e) fixing, altering and amending the fees and expenses for the impoundment of dogs or any other animals;

(f) providing a procedure for payment to the Regional Municipality of a prescribed amount that may be accepted by the Regional Municipality in lieu of prosecution for breach of any by-law.

62 (1) The Council may, by administrative order, adopt a flag and a coat of arms for the Regional Municipality.

(2) A flag or coat of arms adopted pursuant to this Section may be registered pursuant to an Act of Parliament in order to prevent its unauthorized use.

(3) No person, other than the Regional Municipality or an official, committee, board or other body of the Regional Municipality, shall use a flag or coat of arms of the Regional Municipality, except as may be specifically authorized by the Council.

(4) Every person who uses a flag or coat of arms contrary to this Section is guilty of an offence.

63 (1) The Regional Municipality may enter into and carry out a joint services agreement with one or more municipalities, villages or service commissions for establishing, providing, continuing, maintaining or administering municipal services by one or more of them, to all or part of the area of the municipality or village or the area for which the service commission provides services.

(2) A joint services agreement may include any service provided by the Regional Municipality.

(3) A joint services agreement may include

(a) a description of the services to be provided pursuant to the agreement;

(b) the area for which the services are to be provided;

(c) how and by whom the services are to be established, provided, continued, maintained or administered;

(d) how the cost of the services, both capital and current, is to be provided, the proportions of the cost to be paid by each party or a method of determining those proportions, when the respective shares of the cost are to be paid and a rate of interest to be payable for default of prompt payment;

(e) the ownership of any capital assets to be created under the agreement;

(f) provisions for the disposition of a capital asset before or at the termination of the agreement;

(g) any provision for amending or terminating the agreement;

(h) such other terms and conditions as the parties may agree upon.

64 (1) The Council may enter into and carry out agreements for

(a) providing regional libraries and other purposes pursuant to the *Libraries Act*;

(b) highway construction, improvement and maintenance and other purposes pursuant to the *Public Highways Act*.

(2) The Council may enter into and carry out agreements with the Minister of Housing and Consumer Affairs or Canada Mortgage and Housing Corporation or, with respect to projects pursuant to the *National Housing Act* (Canada), any body corporate or agency having similar objects.

(3) The Regional Municipality has the powers of a regional library board and, where the Regional Municipality provides library services directly, the Regional Municipality is the regional library board for purposes of grants pursuant to the *Libraries Act*.

65 The Regional Municipality may provide a public transportation service by the purchase of vehicles and vessels and operation of the service, by providing financial assistance to a person who will undertake to provide the service or by a combination of those methods.

66 (1) The Regional Municipality may

- (a) beautify, improve and maintain property of the Regional Municipality;
- (b) promote a business district as a place for retail and commercial activity;
- (c) establish or maintain parking facilities,

and for such purposes may levy an area rate applicable only to the commercial property and business occupancy assessments in the area and, in setting the rate, the Council may set different rates for business occupancy assessments and commercial property assessments and may set a minimum and maximum amount to be paid by a person assessed.

(2) The Regional Municipality may

- (a) solicit and encourage the establishment and development of new institutions, industries and businesses in and around the Regional Municipality;
- (b) solicit and encourage the expansion and development of existing institutions, industries and businesses in and around the Regional Municipality;
- (c) publicize the advantages of the Regional Municipality and the surrounding areas as a location for the establishment and expansion of business and industry;
- (d) prepare and disseminate information about the Regional Municipality and the surrounding areas for the assistance of business and industry intending to locate or expand in the Regional Municipality or the surrounding area.

(3) The Regional Municipality may not grant any tax concession or other form of direct financial assistance to any business or industry.

67 (1) The Regional Municipality may

- (a) formulate plans of tree planting;
- (b) ensure that trees on land owned by the Regional Municipality are properly pruned, protected and repaired when deemed necessary and recommend and encourage the proper pruning, protection and repair of privately owned trees in the Regional Municipality;
- (c) recommend and encourage the planting of trees of suitable species at desirable sites within the Regional Municipality.

(2) The Council may, by administrative order, authorize its employees

(a) to enter upon any land within the Regional Municipality for the purpose of spraying the trees on the land with insecticides and fungicides as approved and recommended by Forestry Canada;

(b) to enter upon any land within the Regional Municipality for the purpose of inspecting the trees on the land to determine whether they are in a diseased condition or damaged to the extent that they constitute a hazard to the safety of persons or property;

(c) where a tree or limb of a tree on private land within the Regional Municipality is, in the opinion of the employee, hazardous to persons or property or so affected by disease or insect infestation as to endanger the life and health of trees in the vicinity, to order the owner of the land to remove the tree or limb within thirty days of service of a copy of the order.

(3) An order to remove a tree or limb shall contain a description of the location of the tree or limb of a tree directed to be removed.

(4) A copy of the order shall be served personally upon the owner of the land or may be served by mailing it by registered mail postage prepaid to the owner at the last known place of residence or business.

(5) Where the person so served with the order to remove the tree or limb described in the order fails to do so within thirty days after service, any person authorized by the employee may enter upon the land upon which the tree or limb is situate, without warrant or other legal process, and remove the tree or limb, and the actual cost of so doing may be recovered as a debt from the person so served and is a first lien on the property of the owner of the tree and may be collected in the same manner and with the same rights and remedies as rates and taxes pursuant to the *Assessment Act*.

(6) After the order has been served, any person who fails to comply with the order is liable on summary conviction to the penalty prescribed by the *Summary Proceedings Act*.

~~(7) A person who has sustained damage as a result of any spray applied by or under the direction of the Regional Municipality may recover damages against the Regional Municipality.~~

~~(8)~~(7) The Regional Municipality is not liable for any failure to remove any diseased or dangerous tree or limb from any property, whether publicly or privately owned.

~~(9)~~(8) The owner of any tree or limb of a tree, who is dissatisfied with an order ordering the removal of the tree or limb, may, within thirty days from the date of the order, appeal the order to the Supreme Court of Nova Scotia.

~~(10)~~(9) Upon the appeal, the Supreme Court of Nova Scotia may confirm, modify or set aside the order.

~~(11)~~(10) The giving of a notice of appeal acts as a stay of proceedings until the appeal has been determined.

~~68 (1) The Regional Municipality may provide compensation to an area or to the residents of an area in which a sanitary landfill is located in amounts and under such conditions as the Council may determine.~~

~~(2) The Regional Municipality is not subject to the provisions of the Planning Act or of a land-use-by-law with respect to the siting of any solid-waste-disposal facility in the Regional Municipality.~~

~~(3) The Regional Municipality may contract with other municipalities or persons for the use of any of its solid-waste-management facilities.~~

~~(4) The Regional Municipality shall not charge any costs incurred by Halifax County Municipality in designing or siting a sanitary landfill solely to residents of the former Halifax County Municipality, and all such costs incurred after July 1, 1994, shall be paid by the Regional Municipality.~~

6968 (1) All property vested in the Regional Municipality or in a municipal government or granted to, conveyed to or dedicated for the use of the Regional Municipality or a municipal government is vested in the Regional Municipality and, if any trust is attached to it, it is held by the Regional Municipality according to the terms of the trust.

(2) The Regional Municipality may receive and hold any property, real or personal, granted or conveyed to the Regional Municipality, either absolutely or in trust for any public or charitable purpose, and may do all things necessary for the carrying out of the objects of the trust or incidental to it.

(3) All property vested in the Regional Municipality, absolutely or in trust, is under the exclusive control and management of the Council, except as this or another Act provides.

(4) Possession, occupation, use or obstruction of any property of the Regional Municipality does not give any estate, right or title to the property.

(5) The Regional Municipality may

(a) purchase, acquire, take and hold all property, real and personal, that the Regional Municipality requires for its use and purposes, or for the use of the public or of the inhabitants of the Regional Municipality; and

(b) sell real or personal property at actual value when no longer required for any such use or purpose.

(6) The Regional Municipality, by resolution passed by at least two thirds majority of the Council, may grant land or sell land at a price less than actual value to

(a) a library, museum, art gallery, art school or theatre of performing arts;

(b) a charitable, nursing, medical, athletic, educational, environmental, cultural, religious or social organization within the Province;

(c) a non-profit organization that erects, enlarges or improves housing accommodation within the Regional Municipality; or

(d) an organization that the Council considers to be carrying on an activity that is beneficial to the Regional Municipality,

if the Council first holds a public hearing respecting the sale or grant and advertises the hearing at least twice, the first notice to appear at least fourteen days before the hearing, the notice to include the date, time and place of the hearing, the location of the land, the estimated market value of the land and the purpose of the sale or grant.

(7) The Regional Municipality may lease real property owned by the Regional Municipality.

(8) The Regional Municipality may sell, under the signature of the Treasurer, deeds for cemetery lots and certificates of perpetual care.

7069 (1) In this Section, "Dartmouth common" means the common of Dartmouth so far as it was vested in the City of Dartmouth on April 22, 1986.

(2) The Regional Municipality shall not sell, lease or otherwise alienate the Dartmouth common.

(3) No person shall build on the Dartmouth common.

(4) A person may build an addition to a building located on the lands described in the Schedule to Chapter 87 of the Acts of 1994 if the building and the addition are both totally located on those lands.

~~(5) The Governor in Council may, by regulation, prescribe a metes and bounds description of the Dartmouth common.~~

~~(6) The exercise by the Governor in Council of the authority contained in subsection (5) is regulations within the meaning of the Regulations Act.~~

7170 (1) Where the Council considers it necessary to acquire any land for any purpose for which it may lawfully spend money, the Council may expropriate the land whether situated within the Regional Municipality or elsewhere.

(2) Nothing in this or any other Act authorizes

(a) a municipality or a commission or board operating a service for a municipality to expropriate any property of the Regional Municipality; or

(b) the Regional Municipality to expropriate any property of a municipality or of a commission or board operating a service for a municipality;

(3) When the Council decides to expropriate land, it shall cause to be prepared a plan and description of the land and may, by any of its officers, servants or agents, enter upon the land to survey or examine it and may make any borings or other excavations and, if the expropriation is not completed, the Regional Municipality shall reimburse the owner for any damage done to the land.

7271 (1) The Council may provide police services in the Regional Municipality by any combination of the means authorized by the *Police Act*.

(2) The board of police commissioners of the Regional Municipality has jurisdiction over the provision of police services in the Regional Municipality, notwithstanding that police services are provided by a combination of the means provided in the *Police Act*.

(3) Subsection 19(6) of the *Police Act* does not apply to the Regional Municipality.

7372 (1) The Regional Municipality may maintain a fire service to provide services related to the prevention and suppression of fires and the provision of emergency services, including emergency medical services and the provision of assistance in the protection of people and property in the event of man-made or natural disasters including, but not limited to, floods, hurricanes, motor vehicle accidents and chemical spills.

(2) The Council may, by resolution, prescribe ~~regulations~~ administrative orders for the governance of volunteer and mixed fire companies in the Regional Municipality, and the ~~regulations~~ administrative orders may include

- (a) the system to be followed by each for its financial accounting;
- (b) the manner in which each shall account to the public for its activities in each year;
- (c) the qualifications for membership in it and the training standards to be met by the members;
- (d) the minimum standards of equipment required;
- (e) the emergency services in addition to fire protection to be provided;
- (f) operational performance standards;
- (g) personnel policies with respect to those members who are employees of the Regional Municipality;
- (h) the manner of accounting to the Council for the application of funds provided by the Regional Municipality;
- (i) such other matters as are necessary and expedient for the proper governance of the fire service of the Regional Municipality.

~~(3) The Council may, by resolution, prescribe further regulations for the fire service of the Regional Municipality, and the regulations may include~~

(3) The Council may adopt administrative orders respecting the fire service of the Regional Municipality, which may include

(a) the determination of the officer in charge at a fire or other emergency;

(b) conditions under which the different elements of the fire service shall provide assistance to each other; and

(c) the areas for which the different elements of the fire service are primarily responsible.

(4) The Council may prescribe different regulations administrative orders for different areas of the Regional Municipality.

(5) The Council may require proof of compliance with its regulations administrative orders before advancing any funds.

7473 (1) The title to apparatus, machinery, implements or equipment purchased by the Regional Municipality or out of funds supplied by the Regional Municipality vests in the Regional Municipality.

(2) Nothing in this Act vests any property of a fire department, other than property of a municipal government, in the Regional Municipality.

(3) The Regional Municipality shall transfer, free of cost, any property of a rural fire district or service commission or other fire department dissolved by this Act to any body that is incorporated before April 1, 1996, to provide fire protection services in the area served by the rural fire district, fire commission or fire department that was dissolved.

7574 (1) When any fire occurs, the officer in charge and any person under the direction of that officer shall endeavour to extinguish the fire and prevent it from spreading, and for that purpose may

(a) command the assistance of persons present at a fire and all inhabitants of the Regional Municipality;

(b) remove property from buildings on fire or in danger of fire;

(c) take charge of such property;

(d) enter, break into or tear down any building;

(e) exclude persons and vehicles from the vicinity of the fire; and

(f) generally do all things necessary to extinguish the fire and prevent it from spreading.

(2) Where an alarm of fire has been given or the officer in charge has reason to believe that a fire exists on any premises, the officer in charge and any person under the direction of that officer may enter or break into any building for the purpose of ascertaining whether a fire exists.

(3) Every person who disobeys any lawful order or command of the officer in charge at a fire is for each such offence liable upon summary conviction to the penalty prescribed by the *Summary Proceedings Act*.

(4) The officer in charge at a fire may direct that any building be pulled down or otherwise destroyed if, in the judgment of that officer, doing so will tend to prevent the further spreading of the fire.

(5) Any member of a fire department authorized by the chief officer may enter any building or premises at any reasonable time for the purpose of determining whether there is any condition therein likely to increase the risk of fire or to interfere with the escape of the occupants in the event of fire or other emergency.

(6) The Regional Municipality, an officer in charge at a fire and a person acting under the direction or authority of that officer are not liable to any action or proceedings for any act done in the exercise of any of the powers conferred by this Section.

7675 (1) The Regional Municipality may assist with its apparatus, machinery, implements or equipment at fires or other emergencies occurring outside its boundaries.

(2) The Regional Municipality may enter into an agreement with municipalities, villages, service commissions or persons for giving assistance at fires and other emergencies outside the boundaries of the Regional Municipality or for receiving assistance at fires and other emergencies within its boundaries, and may make the expenditures necessary to carry out the terms of the agreement.

PART VI

FINANCE

7776 The fiscal year of the Regional Municipality begins on April 1st and ends on March 31st in the following year.

7877 The Council may vote, rate, collect, receive, appropriate and pay all sums of money required by the Regional Municipality for

(a) erecting, acquiring, purchasing, leasing, altering, adding to, improving, repairing, furnishing, equipping, heating, lighting, caring for and managing lands and buildings required for any purpose of the Regional Municipality;

(b) salaries, remuneration and expenses of the Mayor, councillors, officers and employees of the Regional Municipality;

- (c) the reasonable expenses incurred by the Mayor or a councillor for attendance at meetings and conferences if the permission of the Council is obtained prior to the meeting or conference or if the attendance is in accordance with a policy of the Council established by administrative order;
- (d) expenses of elections and plebiscites;
- (e) judgments recovered, or costs awarded, against the Regional Municipality, with interest;
- (f) premiums on any insurance policy for damage to property, personal injury or liability, including liability of members of the Council or employees of the Regional Municipality;
- (g) repayment of money borrowed by the Regional Municipality, the payment of interest on that money and payment of sinking funds and amounts required to be provided, raised or paid by the Regional Municipality pursuant to the *Municipal Affairs Act*;
- (h) establishing, equipping and maintaining a police force for all or part of the Regional Municipality, with the power to contract with the Royal Canadian Mounted Police or with the Minister of Justice to provide police services;
- (i) contributing to the capital cost of a hospital to which the *Hospitals Act* applies;
- (j) purchasing, acquiring, constructing, altering and improving buildings for a medical centre to encourage medical doctors, dentists and other health professionals to locate in the Regional Municipality or a part of the Regional Municipality;
- (k) removing snow from a street or highway or other public place or making a street or highway passable in winter;
- (l) equipping and maintaining fire and emergency services;
- (m) honoraria for firefighters other than those who are employed by the Regional Municipality as firefighters on a full-time basis;
- (n) acquiring, constructing, altering, improving, extending and maintaining ponds, reservoirs, brooks, canals and other means of accumulating or directing the flow of water to be used in extinguishing fires;
- (o) materials, services and supplies for emergency measures;
- (p) materials, services and equipment for recreational programs operated by the Regional Municipality and the provision of recreation centres and facilities;
- (q) purchasing, acquiring, developing, maintaining, improving and operating parks and playgrounds;

(r) purchasing, acquiring, maintaining, and improving public grounds, squares, halls and parks and maintaining and improving property held by trustees for the use of the public;

(s) establishing and maintaining properly equipped pounds;

(t) advertising the opportunities of the Regional Municipality for business, industrial and tourism purposes and encouraging the tourist traffic, with power to make a grant to a tourist bureau or tourist association for this purpose;

(u) preservation, expansion and attraction of business and industry, the stabilization and expansion of employment opportunities and the economic development of the Regional Municipality;

(v) lighting any part of the Regional Municipality;

(w) laying out, opening, constructing, repairing, improving and maintaining streets, curbs, gutters or sidewalks, including traffic control signs, signals, markings and other devices;

(x) providing a public transportation service either within the Regional Municipality or partly within and partly outside the Regional Municipality either by the purchase of vehicles and vessels and operation of the service or by payment of a subsidy to a person who will agree to operate the service;

(y) constructing, altering, extending, improving, repairing, maintaining and operating wastewater facilities and stormwater systems of the Regional Municipality;

(z) preventing or decreasing flooding;

~~(aa) collecting, removing and disposing of garbage, rubbish, ashes and similar material and acquiring, building and operating dumps, incinerators and disposal plants;~~

(aa) collecting, removing and disposing of solid waste and acquiring, building and operating recycling facilities, composting sites, waste separation facilities, sanitary landfills, transfer stations and facilities required to implement an integrated solid-waste resource management strategy;

(ab) constructing, altering, extending, improving, repairing, maintaining and operating a water works or water system, and treating the water in the water system chemically, electrically, mechanically or otherwise as determined by the Council, but the amount required therefor shall be raised by rates determined under the *Public Utilities Act*, so far as those rates extend, and only the deficit, if any, shall be raised by taxation;

(ac) carrying out agreements entered into with Canada Mortgage and Housing Corporation, the Minister of Housing and Consumer Affairs or any body corporate or agency having similar objects;

(ad) the contribution of the Regional Municipality to a pension or superannuation fund pursuant to this or any other Act;

(ae) payment to the Board of an assessment on a public utility owned or operated by the Regional Municipality as determined by the Board;

(af) paying the school board the amount required to support the public schools;

(ag) the board and tuition of persons attending any facility operated by the Atlantic Provinces Special Education Authority;

(ah) public libraries;

(ai) annual subscription fees of the Union of Nova Scotia Municipalities;

(aj) grants or contributions to

(i) a society within the meaning of the *Children and Family Services Act*,

(ii) a livestock health services board established pursuant to the *Livestock Health Services Act*,

(iii) a mental health clinic in receipt of financial assistance from the Province,

(iv) an exhibition held by an educational institution in the Regional Municipality,

(v) a club or association or exhibition within the meaning of the *Agriculture and Marketing Act*,

(vi) any charitable, nursing, medical, athletic, educational, cultural or social organization within the Province,

(vii) a charitable organization registered as such pursuant to the *Income Tax Act (Canada)* and regulations made thereunder,

but the total of the amounts so paid in a year shall not exceed one per cent of the taxes for general municipal purposes levied by the Regional Municipality for that year;

(ak) payments into the special reserve fund authorized by this Act or the *Municipal Affairs Act*;

(al) establishing, operating and maintaining public markets and purchasing, acquiring, constructing, altering, adding to, equipping and maintaining facilities therefor;

(am) all other expenditures authorized by this or any other Act or by by-law or required to be made under any contract lawfully made by or on behalf of the Regional Municipality, or incurred in the due execution of the powers, responsibilities and duties by law vested in or imposed upon the Regional Municipality, its Mayor, Council or officers.

7978 When, by this or any other Act, the Regional Municipality is authorized or directed to pay any money or to make an expenditure or to enter into any contract or guarantee or take any action as a result of which it may be required to pay any money, the sums so required shall be held to be sums required for the ordinary lawful purposes of the Regional Municipality and shall be raised, levied and collected in the same manner and in all respects as other sums required for the ordinary lawful purposes of the Regional Municipality are raised, levied and collected.

8079 (1) The Council may vote, rate, collect, receive, appropriate and pay all sums of money required by the Regional Municipality for the paying of grants or contributions to any public hospital located in or providing services for residents of the Regional Municipality.

(2) Where the Council considers it advisable to do so, any sums of money required to pay a grant or contribution to a hospital as defined in the *Hospitals Act* may be raised as an area rate in the area or areas primarily served by the public hospital.

8180 (1) The Council may, by administrative order, grant an exemption from taxation in the Regional Municipality upon the property owned by a person whose total income from all sources for the calendar year preceding the fiscal year for which the exemption is sought is below the amount determined by the Council and set out in the ~~resolution~~ administrative order, to the extent set out in the ~~resolution~~ order.

(2) Any allowance paid pursuant to the *War Veterans Allowance Act* (Canada) or pension paid pursuant to the *Pension Act* (Canada) is not to be included in a person's total income for the purpose of subsection (1).

(3) The Treasurer may require a person applying for an exemption to make an affidavit regarding income in the calendar year preceding the municipal taxation year for which the exemption is sought.

(4) The ~~resolution~~ administrative order may specify that the exemption only extends to persons who are residents of the Regional Municipality.

(5) The ~~resolution~~ administrative order may specify that where two or more persons, one or more of whom are entitled to an exemption, are by any interest the owners of taxable property together, the person so entitled is entitled only to that portion of the amount of the exemption that the amount of that person's assessment with respect to the property bears to the total assessment for the whole property, and where the owners are not separately assessed for their several interests in the property, then to that portion determined by the Clerk, whose determination is final.

(6) The ~~resolution~~ administrative order may specify that the exemption applies only to property of a ratepayer occupied as that ratepayer's principal residence.

(7) The ~~resolution~~ administrative order may specify that the amount of income specified in the ~~resolution~~ order includes the income of all other members of the same family residing in the same household.

(8) The ~~resolution~~ administrative order may specify a date after which no application for an exemption will be received, if the date set is not less than twenty-one days after the filing of the assessment roll.

8281 (1) The Council may, by by-law, provide for the postponed payment of all or of a defined portion of rates and taxes by persons whose income, together with the income of a spouse or other person living in the same home, as the by-law specifies, is below the amount set out in the by-law.

(2) A by-law passed pursuant to this Section applies only to the property of a person occupied by that person as that person's principal residence.

(3) The by-law may

(a) provide that taxes be postponed for a certain period, or until the death of the assessed owner or other specified contingency;

(b) provide for the postponement of tax collection procedures for the current year;

(c) prescribe the procedure for applying for the benefits of the by-law, including all necessary forms and affidavits;

(d) provide for interest on the taxes postponed.

(4) Any limitation period affecting the Regional Municipality's entitlement to collect postponed taxes does not commence until the period of postponement has expired.

(5) Where the Regional Municipality has provided that only a portion of the taxes due may be postponed and where the portion that must be paid is three years overdue, the period of postponement terminates thirty days after the Treasurer notifies the person whose taxes have been postponed, unless the taxes that were not postponed are paid before the expiration of the thirty days.

(6) A by-law passed pursuant to this Section does not require the approval of the Minister.

(7) Except as otherwise provided in this or any other Act, the Council shall not relieve any taxpayer from all or any portion of rates and taxes.

8382 (1) On or before March 31st in each year, the Council shall make estimates of all sums that are required for the lawful purposes of the Regional Municipality for the following fiscal year after crediting the probable revenue from all sources other than rates for the year, making due allowance for the abatement and losses which may occur in the collection of the taxes and for taxes for the current year that may not be collected or collectable.

(2) The Council shall include in its estimate the estimated deficit from the preceding year.

(3) The Council may include in its estimates an amount for contingencies and unforeseen expenses in matters on which it may vote and expend money.

(4) The Council may include in its estimates an amount for all or part of any surplus of any previous years that will be available for the current year.

(5) The Council shall authorize the levying and collecting of a rate of so much on the dollar on

(a) the full assessed value of taxable commercial property and business occupancy assessment; and

(b) such percentage of the assessed value of taxable residential property and resource property, not exceeding one hundred per cent, as Council determines.

(6) The rate shall be that which the Council deems sufficient to raise the sum so estimated to be required to defray the expenditures of the Regional Municipality.

(7) The Council shall make an allowance in the total assessed value shown on the roll to provide for any variation in that value which may result from any assessment appeal.

(8) Notwithstanding subsections (5) and (6),

(a) the Council shall authorize the levying and collecting of a separate rate for the area of the Regional Municipality determined by the Council to be a rural area receiving a rural level of services sufficient to raise the amount estimated to be required to defray an amount not exceeding the area's share of the net cost to the Regional Municipality of providing general administration, planning, development control, building and protective inspections, social services, contributions to a school board, contributions to a regional library, industrial or business development and attraction, and ~~garbage and refuse~~ solid waste collection and disposal, including waste diversion;

(b) for the five fiscal years commencing April 1, 1996, the Council may authorize the levying and collecting of a separate rate within each former municipal unit by phasing down or up the rate that applied within the municipal unit immediately before April 1, 1996;

(c) for the ten fiscal years commencing April 1, 1996, the Council may authorize different percentages pursuant to clause (5)(b) within each former municipal unit by phasing down or up the percentage that applied within the municipal unit immediately before April 1, 1996; and

(d) for the ten fiscal years commencing April 1, 1996, the Council may authorize the levying and collecting of a separate rate within each former municipal unit for debt charges arising from debt outstanding on March 31, 1996.

8483 (1) The Council shall include in its estimates

(a) the minimum municipal contribution payable pursuant to the *Education Act*; and

(b) any additional amount requested by the school board and approved by the Council.

(2) The Council shall, from time to time, on the requisition of the school board, pay over to that board the sums referred to in this Section.

8584 (1) The Council shall provide to the Halifax District School Board at least the amount of additional funding that was provided to the board in the fiscal year beginning April 1, 1995, to be used solely for the benefit of the area that was formerly the City of Halifax.

(2) The guaranteed amount payable pursuant to subsection (1) shall be recovered by area rate levied on the assessed value of the taxable property and business occupancy assessments in the area that was formerly the City of Halifax.

(3) The Council shall provide to the Dartmouth District School Board at least the amount of additional funding that was provided to the board in the fiscal year beginning April 1, 1995, to be used solely for the benefit of the area that was formerly the City of Dartmouth.

(4) The guaranteed amount payable pursuant to subsection (3) shall be recovered by area rate levied on the assessed value of the taxable property and business occupancy assessments in the area that was formerly the City of Dartmouth.

(5) The amounts guaranteed in subsections (1) and (3) may be decreased by not more than ten per cent of the amounts specified in subsections (1) and (3), respectively, in any year, beginning in the fiscal year commencing April 1, 1996.

(6) The Council and a school board in receipt of a guaranteed amount paid pursuant to this Section may agree to reduce the amount of the guarantee at a faster rate than permitted by subsection (5).

(7) Funding provided pursuant to this Section is in addition to funding provided pursuant to Section ~~84~~ 83.

8685 (1) The Council may, by administrative order, prescribe a minimum tax per dwelling unit.

(2) Where the tax rate applied to the assessment of a property is less than the minimum tax prescribed by the Council, the owner of the property shall pay an additional tax equal to the difference between the tax rate applied to the assessment of the property and the minimum tax.

(3) The minimum tax may be set at different levels for different areas of the Regional Municipality.

(4) The number of dwelling units in any property shall be determined by the Director of Assessment, whose decision may be appealed to the Board.

8786 (1) Subject to the approval of the Board for those services that are subject to the *Public Utilities Act*, the Council may, by by-law, prescribe charges for the provisions of services for persons who use or benefit from the service on a basis to be set out in the by-law.

(2) A by-law passed pursuant to this Section does not require the approval of the Minister.

8887 (1) The Council may levy for that part of the cost of any water supply and distribution system in the Regional Municipality that is attributable to fire protection.

(2) The amount of the levy approved by the Council shall be rated as a fire protection rate upon the value of all assessable property and business occupancy assessment in the area served by any water supply and distribution system that is within twelve hundred feet from a fire hydrant in the system.

(3) No property in the area served by any water supply and distribution system that is within twelve hundred feet from a fire hydrant in the system is exempt from the fire protection rate.

(4) The distance from a fire hydrant shall be measured continuously along roads or rights of way leading from the hydrant to the property.

(5) The fire protection rate is a lien and may be collected in the same manner as rates and taxes pursuant to the *Assessment Act*.

8988 (1) The Council may

(a) make, in an area or for the benefit of that area, an expenditure upon any of the subjects authorized by law;

(b) pay a sum of money for area purposes either within an area or for the benefit of an area upon any of the subjects authorized by law;

(c) pay a sum of money for which by law any area is chargeable;

(d) pay to the municipality, board, company or commission operating a water utility in an area or, where the water utility is operated by the Regional Municipality itself, then transfer to its water utility account and charge to the area the amount required to

(i) pay the rate for fire protection payable by the Regional Municipality or an area of the Regional Municipality under a schedule of rates for a water utility approved or fixed pursuant to the *Public Utilities Act*,

(ii) pay any deficit resulting from the Regional Municipality's water system after applying the revenues obtained from the rates approved or fixed pursuant to the *Public Utilities Act*, or

(iii) pay to the municipality, board, company or commission operating the utility an amount necessary to implement any guarantee which the Regional Municipality has made in order that the municipality, board, company or commission provide water for the area.

(2) The Council may expend a sum of money in or for an area upon any capital purpose for which the Regional Municipality may borrow money pursuant to the *Municipal Affairs Act*, and may

(a) advance the money out of its revenue fund surplus or out of any special reserve or other fund which may lawfully be used for the purpose; or

(b) borrow the money pursuant to the *Municipal Affairs Act*,

and provide for the recovery of the amount, together with interest at a rate determined by the Council, by raising annually within the area as much of that sum as the Council considers advisable to collect in any one fiscal year.

(3) The Council may, in any of the cases enumerated in subsections (1) and (2), recover annually from the area the amount required, less any subsidy to the area rate from the general rate that may be approved by the Council, by rating and collecting by an area rate of so much on the dollar on the assessed value of the residential property assessed in the area.

(4) Where, in the opinion of the Council, any expenditure results in equal benefit to each property in the area, the Council may, in lieu of levying an area rate, levy a uniform charge on each property assessment in the area, which charge is collectable in the same manner as rates and taxes pursuant to the *Assessment Act*.

(5) The Council, in lieu of levying an area rate proportional to assessed value, may recover the amount required by rating and collecting by a flat area rate of so much on each residence in the area, and for this purpose "residence" means a self-contained dwelling unit.

(6) A rate levied on an area to recover outstanding deficits, debts, debt charges or other items of past expenditure that the Council determines should be recovered from the ratepayers of the area applies to the assessed value of all taxable property and business occupancy assessments in the area.

(7) This Section does not restrict the power of the Council to expend money within an area for any lawful purpose and to raise all or part of it by a general rate on the whole Regional Municipality.

~~9089~~ Section 42 of the *Education Act* does not apply in the Regional Municipality.

~~9190~~ (1) The Council may establish and maintain, within the capital reserve section of the special reserve fund of the Regional Municipality, an industrial park sale of land account.

(2) The Council may pay into the industrial park sale of land account the proceeds of any land sold by the Regional Municipality in an industrial park.

(3) The Council may withdraw money from the industrial park sale of land account for the purpose of a capital expenditure for which the Regional Municipality may borrow money, and the consent of the Minister is not required if the expenditure relates primarily to an industrial park owned by the Regional Municipality.

9291 (1) The Regional Municipality may, from time to time, effect temporary loans for the purpose of defraying the annual current expenditure of the Regional Municipality that has been duly authorized by the Council, but the loans shall not in the aggregate exceed fifty per cent of the combined total of the taxes levied by the Regional Municipality for the previous year and the amounts received or to be received by the Regional Municipality from Her Majesty in right of Canada or in right of the Province or from an agency of Her Majesty.

(2) The interest on loans authorized by this Section shall be provided for in the annual estimates.

9392 (1) Any sums owing on or after the coming into force of this Act to the Regional Municipality by the owner of real property in the Regional Municipality for work done and services and materials supplied by the Regional Municipality in the construction and maintenance of water pipes connecting the owner's property to a public water main is a lien upon the real property in respect of which the sums arose of the same nature and quality as a lien for rates and taxes that may be rated or assessed on that property pursuant to the *Assessment Act*.

(2) The amount of the lien may be added to the amount of the rates and taxes assessed on the property for the year next following the year in which the lien first arises.

9493 Where the Council determines that the wiring and other parts of an electrical distribution system in any part of the Regional Municipality be placed underground and the Board has approved the proposal subject to the condition that some person other than the owner of the system make a contribution to the cost of so doing, the Council may pay all or part of the contribution.

9594 Any tax certificate provided by the Regional Municipality pursuant to the *Assessment Act* shall include as moneys owing to the Regional Municipality any sums due from an owner of property for work done on that property by the Regional Municipality, the Engineer, the Administrator or any other authorized person, the cost of which forms a lien on the property pursuant to this or any other Act.

PART VII

DEED TRANSFER TAX

9695 In this Part,

(a) "deed" means any instrument or writing, not testamentary in character, whereby property is conveyed, transferred, assigned or vested in any person, but does not include a mortgage, an agreement of sale, a lease for a term less than twenty-one years or a deed given in pursuance of a sale for rates and taxes;

(b) "grantee" means the person to whom property is transferred by deed for value or otherwise;

(c) "grantor" means the transferor or the person who transfers property by deed for value or otherwise;

(d) "property" means real property of any kind, including any right, easement or power in respect of it or interest in it;

(e) "registered Canadian charitable organization" means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;

(f) "Registrar" means the Registrar of Deeds for the registration district in which any property situate within the Regional Municipality is located;

(g) "sale price" means the entire consideration for the sale of the property and, without restricting the generality of the foregoing, includes

(i) money consideration paid together with the par or face value of promissory notes, cheques, bills of exchange, agreements and securities forming part of the consideration,

(ii) the gross value of real or personal property given in exchange, in whole or in part, including mortgages made by the grantee in favour of the grantor or an executor, nominee, assignee, trustee or any other person on behalf of the grantor,

(iii) outstanding obligations or accounts cancelled, assumed or satisfied,

(iv) the amount of rates, taxes, liens, mortgages and encumbrances, including interest and expenses assumed by the grantee at the date of transfer;

(h) "transfer" means a transaction whereby property is transferred or conveyed by deed;

(i) "value" means sale price.

9796 (1) On every deed whereby property situate wholly or partly within the Regional Municipality is conveyed a deed transfer tax of one and one half per cent of the value of the property thereby conveyed is imposed and levied and payable to the Regional Municipality.

(2) The Council may, by by-law, reduce the rate of deed transfer tax.

(3) A by-law passed pursuant to this Section does not require the approval of the Minister.

9897 (1) Where the property is situated partly within and partly without the Regional Municipality, the deed transfer tax shall be computed on that part of the value that has been apportioned to the part of the property situate within the Regional Municipality.

(2) Where the property is situated partly within and partly without the Regional Municipality, the apportionment shall be made by the Director of Assessment, whose decision may be appealed to the Board.

9998 (1) The deed transfer tax shall be paid by the grantee named in the deed, who shall pay it within ten days of the making of the transfer.

(2) Not later than ten days after a transfer, and whether or not a deed transfer tax is payable, the grantee shall file with the Treasurer an affidavit made by the grantee or by someone having full knowledge of the facts, setting out

- (a) the names of the parties;
- (b) the location of the property; and

(c) the sale price of the property with full details of the consideration including the amount of any lien or encumbrance subject to which the transfer was made and, where the affidavit is not made by the grantee, it shall state that the person making it has personal knowledge of the facts stated therein.

(3) Where the affidavit is made by a person other than the grantee, that person is personally liable jointly and severally with the grantee for payment of the amount of the deed transfer tax.

(4) Where the grantee claims exemption from the deed transfer tax, the affidavit shall be filed but shall set out the facts on which the grantee claims to be exempt and, in the case of a registered Canadian charitable organization, shall give the number of its registration pursuant to the *Income Tax Act* (Canada).

~~10099~~ (1) If the Treasurer is not satisfied that the affidavit sets out the true and complete sale price or if for any reason is not able from the affidavit to determine the sale price, the Treasurer may refuse to accept the affidavit and to endorse the deed, and shall so advise the person who tenders the affidavit.

(2) The grantee shall thereupon tender the affidavit to the regional assessment appeal court that has jurisdiction over the assessment appeal region that includes the Regional Municipality.

(3) The regional assessment appeal court shall proceed to determine the sale price and, for that purpose, may examine persons on oath.

(4) The determination of the regional assessment appeal court is final.

~~101~~100 (1) The Treasurer shall endorse the deed with a certificate stating that, as computed from the affidavit filed, the deed transfer tax has been paid in full or no deed transfer tax is payable.

(2) Notwithstanding the *Registry Act*, the Registrar shall not receive for registration any deed of property wholly or partly within the Regional Municipality unless it bears a certificate signed by the Treasurer stating that the deed transfer tax has been paid in full or that no deed transfer tax is payable.

~~102~~101 Where the grantee does not pay the deed transfer tax when due, the grantee shall pay interest at the rate determined by the Council by administrative order until paid, beginning ten days after the transfer, and shall pay a penalty of ten per cent on any deed transfer tax that remains unpaid after thirty days from the date of the transfer.

~~103~~102 (1) The deed transfer tax with interest and penalty constitutes a lien upon the property, situate wholly or in part within the Regional Municipality, that is conveyed by the deed.

(2) The lien attaches on the date when the deed transfer tax is due and continues until discharged by payment, or in accordance with law, and may be collected in the same manner as annual rates and taxes of the Regional Municipality are collected.

~~104~~103 (1) Where a deed transfers property

(a) between persons married to one another; or

(b) by way of gift, notwithstanding that

(i) the deed transfers property subject to an encumbrance including a mortgage or a lien for rates and taxes and the grantee assumes the amount of the encumbrance, including interest and expenses, or

(ii) there is a nominal consideration therefor,

it is exempt from deed transfer tax.

(2) Where

(a) a deed merely confirms, corrects, modifies or supplements a deed previously given;

(b) there is no consideration therefor beyond one dollar; and

(c) it does not include more property than the deed previously given,

it is exempt from the deed transfer tax.

(3) Where the grantee is a registered Canadian charitable organization, a deed is exempt from the deed transfer tax if the property is not to be used for any commercial, industrial, rental or other business purpose and if an officer of the grantee makes and files with the Clerk an affidavit to that effect.

(4) Notwithstanding subsection (3), where, within three years after the filing of the affidavit, the property is used by the grantee for a commercial, industrial, rental or other business purpose or is sold or conveyed by the grantee, the Treasurer shall compute the deed transfer tax for which the grantee would have been liable if it had not been a registered Canadian charitable organization and the grantee is liable to pay the amount of the tax and interest on it at the rate of ten per cent per annum computed from the date of the deed referred to in subsection (3).

~~105~~104 (1) The Council may, by resolution, appoint the Registrar as its agent and collector of the deed transfer tax, and in the resolution the Council may prescribe the terms and conditions of the appointment.

(2) Subject to the approval of the Minister, the Registrar shall accept the appointment and discharge the duties so prescribed.

(3) After the resolution has been passed and approved by the Minister, and until the resolution or its approval has been revoked, affidavits and other documents that may be filed with the Treasurer or are required to be filed with the Treasurer shall be filed instead with the Registrar and the Registrar shall compute the amount of the deed transfer tax and take all the proceedings that the Treasurer may or is required to take, and upon payment of the deed transfer tax or upon the Registrar finding that the deed is exempt from deed transfer tax, the Registrar shall endorse the deed with the certificate stating that the deed transfer tax has been paid in full or that no deed transfer tax is payable.

(4) On the first day of each month, the Registrar shall transmit to the Treasurer the documents previously filed, with a report of the proceedings, excepting the documents relating to cases where the Registrar has not signed the certificate, and at the same time shall transmit to the Treasurer the amount of the deed transfer tax collected.

~~106~~105 Any person who makes any false statement in an affidavit is liable on summary conviction to a penalty not exceeding five thousand dollars and in default of payment to imprisonment for a term not exceeding six months, and, further, is liable to pay the amount of the deed transfer tax, together with interest and penalty, that should have been paid upon the deed.

~~107~~106 The Regional Municipality may, by administrative order, prescribe rules, regulations and forms necessary for the collection of the deed transfer tax.

PART VIII

BY-LAWS

~~108~~107 (1) No by-law, and no repeal, alteration or amendment of any by-law, shall be passed by the Council unless at least ten days' notice has been first given to the Council.

(2) Every by-law shall have three readings before it is passed.

(3) At least ten days shall elapse between first and second reading of any by-law.

(4) The Council may give a by-law second and third readings at the same meeting of the Council.

(5) At least seven days before a by-law is read for a second time, the Clerk shall cause notice of Council's intent to consider the by-law to be published in a newspaper circulating in the Regional Municipality, which notice shall state the object of the by-law, the date of the meeting at which Council proposes to consider it, and the place where the proposed by-law may be inspected or a copy obtained.

(6) The Council may direct the Clerk, in any particular case, to provide further advertising, including advertising by radio or television, and may provide that advertising by radio and television may replace advertising in a newspaper.

(7) The Council may, by administrative order, further determine the procedure to be followed and the notice to be given with respect to the introduction and passing of by-laws.

(8) This Section and Section ~~109~~ 108 do not apply to a by-law passed pursuant to the *Planning Act*.

~~109~~108 (1) Every by-law of the Council comes into effect and has the force of law on the publication of the by-law.

(2) A by-law is published when

(a) it has been passed by the Council in the manner provided in this Act;

(b) it has been approved by the Minister, if the Minister's approval is required; and

(c) a notice has been published in a newspaper circulating in the Regional Municipality, stating the object of the by-law, the date of its final passage, the place where it may be read or a copy obtained and, where necessary, that it has received the approval of the Minister.

(3) Every by-law that does not come into force until a subsequent date shall be published on or before that date.

(4) Every by-law remains in force until amended, repealed, disallowed or annulled by competent authority or until the expiration of the period for which it has been made.

~~H109~~ (1) The Council may provide in any by-law made pursuant to this or any Act that the by-law applies to an area, but must define the area in the by-law.

(2) The Council may in any by-law establish different charges for different areas.

(3) Where no restriction is imposed, a by-law applies to the Regional Municipality.

(4) In this Act,

(a) the power to license includes the power to regulate;

(b) the power to regulate includes the power to license; and

(c) the power to regulate includes the power to prohibit.

~~H110~~ (1) The Council, in addition to any power to make by-laws elsewhere or by any other Act conferred, may make by-laws, not inconsistent with any Act in force in the Province,

(a) regulating, managing, operating and providing for the use and protection of all property of the Regional Municipality, and for maintaining order on it including, without limiting the generality of the foregoing, the power to

(i) prohibit persons from trespassing or from leaving animals or vehicles, or both, whether attended or unattended, in or upon any land or buildings owned by the Regional Municipality and conferring power to remove vehicles at the expense of the owner,

(ii) regulate the days or hours persons may have access to municipal property,

(iii) regulate the conduct of persons while on or in any land or buildings owned by the Regional Municipality and providing for the preservation of good order,

(iv) prescribe the terms and conditions, including hours and fees, of parking on designated property owned, leased or otherwise under the control of the Regional Municipality,

(v) provide for the protection of and prevention of injury to any property of the Regional Municipality;

(b) prohibiting or regulating the defacing of public property by posting printed or other notices;

- (c) appointing a day to be a civic holiday;
- (d) respecting the use and protection of the property of any person providing a public transportation service for or with the assistance of the Regional Municipality and for maintaining order on it;
- (e) regulating and licensing automatic machines with power to discriminate as to the licence fee to be charged for each type or kind of machine, and to determine the lighting requirements for any establishment in which the machines, or any type or kind of them, are located and the minimum floor space required for each machine, with power to vary the requirements for each type or kind;
- (f) providing for the management of commons;
- (g) requiring owners of outdoor swimming pools to erect and maintain fences and gates around that portion of a swimming pool that is not enclosed by buildings and prescribing the height, description of and the manner of erecting and maintaining such fences and gates;
- (h) regulating or prohibiting the erection of barbed wire fences in all or part of the Regional Municipality and regulating the erection of other wire fences;
- (i) prohibiting and regulating the running at large or trespassing of any animals and providing for impounding them and causing them to be sold in case they are not claimed within the time prescribed by the by-laws or the damage, penalties and expenses are not paid according to law;
- (j) prohibiting or regulating the keeping of goats, pigs, foxes, minks, geese, turkeys, hens and domestic fowl and other animals in areas defined in the by-law with power to require that they be not allowed to go at large and to provide for impounding and destroying those found at large;
- (k) regulating the keeping of pets, animals, reptiles and arachnids and defining areas within which such pets, animals, reptiles and arachnids may be kept or within which the keeping of them is prohibited;
- (l) prohibiting children under the age of sixteen years, or such younger age as the by-law provides, from walking or being on any road, street or sidewalk or in any restaurant, dance hall, theatre or other place of amusement after the hour prescribed by the by-law, or prescribing the conditions under which the children may be on or in any such place after that hour, and requiring parents and guardians to prevent children from being on or in prohibited places in violation of the by-law;
- (m) regulating and licensing auctioneers, pedlars, hawkers and traders of goods;
- (n) regulating or prohibiting ~~the smoking of tobacco~~ smoking in places to which the public has access;

(o) providing for access to fire fighting or emergency facilities and equipment and fire hydrants on private property by members of the fire service;

(p) preventing interference with efforts of the fire service to extinguish fires and render assistance in emergencies and preventing interference with publicly or privately owned fire fighting or emergency facilities and equipment and hydrants;

(q) prescribing fire safety and prevention measures, including the adoption by reference, with or without amendment, in whole or in part, of the National Fire Code of Canada and any amendment thereto;

(r) regulating the storage, transportation and use of inflammable liquids, explosives or other highly inflammable, dangerous or hazardous materials;

(s) regulating fire and burglar alarms, including the terms and conditions under which such alarms may be connected to a police or fire station or alarm system, and providing penalties or the recovery of expenses or both in the event of false alarms, and the by-law may provide for licences for

(i) alarms installed in or located on property, with provision to cancel the licence in the event false alarms exceed the standard prescribed in the by-law,

(ii) persons who sell, repair or install alarms, and

(iii) persons who provide the service of monitoring alarms;

~~(t) prohibiting persons from depositing garbage, ashes, cleanings and refuse in any dump or place of deposit other than a dump licensed pursuant to the *Environment Act* or not required to be licensed pursuant to that Act;~~

~~(u) regulating the mode of removal of garbage and refuse and providing for and regulating the use of containers for garbage;~~

~~(v) licensing persons engaged in the business of removing or collecting garbage, ashes, sewage or similar material, with power to regulate the operation of the business and to prohibit, in whole or in part, the operation of any such business by a person not holding a licence;~~

~~(w) prescribing the materials or class of materials that may be deposited at any landfill site, transfer station or facility operated by the Regional Municipality as part of a waste management system and the terms and conditions under which such deposit may be made, including the amount and manner of payment of any fees and charges to be paid for permission to make such deposit;~~

~~(x) respecting the collection, storage and disposal of industrial and commercial waste material and licensing persons who collect, store or dispose of it;~~

(y)(t) regulating and licensing bowling alleys, billiard tables, skating rinks, dance halls, night clubs, shooting galleries, stock car racing tracks, outdoor theatres and merry-go-rounds, but not including any of the matters in respect of which the Governor in Council has made or makes regulations pursuant to the *Theatres and Amusements Act*.

(2) A by-law passed pursuant to this Section does not require the approval of the Minister.

~~112~~111 (1) The Council may make by-laws

(a) regulating or prohibiting the running at large of dogs, including permitting the running at large of dogs in certain places or at certain times;

(b) imposing a registration fee upon the owner of every dog, to be set by administrative order, for such length of time as is specified in the by-law, with the power to impose a larger fee for female dogs than for male dogs or for unspayed or unneutered dogs than for spayed or neutered dogs;

(c) providing for issuing of tags for the identification of dogs registered under the by-law, including requiring every owner, in each year, before such date as is fixed by by-law, to procure from the Clerk or the person designated by the Clerk or by the by-law a tag for each dog owned and to keep the tag securely fixed on the dog at all times during the year and until a tag is procured for the following year, but allowing the tag to be removed while the dog is being lawfully used for hunting purposes;

(d) exempting from any registration fee a dog that is a stray dog and is harboured for up to the maximum period of time set by by-law;

(e) defining fierce or dangerous dogs, including defining them by breed, cross-breed, partial breed or type;

(f) regulating or prohibiting the keeping of fierce or dangerous dogs;

(g) regulating or prohibiting the keeping of a dog that persistently disturbs the quiet of the neighbourhood by barking, howling, or otherwise;

(h) authorizing the dog control officer to impound, sell, kill or otherwise dispose of dogs

(i) that run at large contrary to the by-law,

(ii) in respect of which the fee or tax imposed by any by-law is not paid,

(iii) that are fierce or dangerous,

(iv) that are rabid, or appear to be rabid or exhibiting symptoms of canine madness,

(v) that persistently disturb the quiet of the neighbourhood by barking, howling, or otherwise;

(i) requiring the owner of a dog, other than a dog that is trained to assist and is assisting a person with a disability, to remove the dog's defecation from public property and from private property other than the owner's;

(j) requiring the owner of a dog to deliver in writing a statement of the number of dogs owned or harboured, or that are habitually kept upon the premises occupied by the owner, and providing that any person who neglects or refuses to provide a statement within ten days after having received notice requiring it to be provided is guilty of an offence.

(2) A dog that is trained to assist and assists a person with a disability is exempt from any registration fee.

(3) If a dog tag is required by by-law, the dog tag shall bear a serial number and the year in which it was issued, and a record shall be kept by the Clerk or other officer designated for that purpose showing the name and address of the owner and the serial number of the tag.

(4) The owner of a kennel of pure-bred dogs that are registered with the Canadian Kennel Club may, in any year, pay a fee set by Council by administrative order as a tax upon the kennel for that year and, upon payment of such amount, the owner of the kennel is exempt from any further fee in respect to dogs for that year.

(5) If required by by-law to do so, the owner of a dog may enter upon private property to remove the dog's feces.

(6) A by-law passed pursuant to this Section does not require the approval of the Minister.

~~113~~112 (1) Upon information on oath by a peace officer that it is believed on reasonable grounds that a person is harbouring, keeping or has under care, control or direction a dog that is fierce or dangerous, any judge may, by warrant, authorize and empower a person named in the warrant to enter and search the place where the dog is at any time and to open or remove any door, lock, fastening or obstacle preventing access to the dog, and to seize and deliver the dog to the pound, and for such purpose to break, remove or undo any chain, rope, lock or fastening of the dog to the premises.

(2) If the person named in the warrant is unable to seize the dog in safety, that person may destroy the dog.

(3) The peace officer must satisfy the judge, upon information on oath, of the reasons or grounds of belief before a warrant under this Section may be issued.

~~114~~113 (1) At the trial of a charge laid against the owner of a dog that is fierce or dangerous contrary to a by-law,

(a) the judge may, in addition to the penalty, order that the dog be destroyed by the pound keeper or otherwise dealt with, and order that the owner pay any costs incurred by the Regional Municipality related to the dog including costs related to the seizure, impounding or destruction of the dog; and

(b) it is not necessary to prove that

(i) the dog previously attacked or injured any domestic animal, person or property,

(ii) the dog had a propensity to injure or to damage any domestic animal, person or property, or

(iii) the defendant knew that the dog had such propensity or was or is accustomed to doing acts causing injury or damage.

(2) No judge shall order the release of any dog, and no pound keeper shall release any dog to the owner, until the owner pays for all fees, costs and expenses of the pound keeper while the dog was impounded and kept at the pound.

115114 (1) No person shall burn brush, rubbish or other material or make or burn a bonfire or other fire in a dangerous manner.

(2) The Council may, by by-law,

(a) determine that no burning may be carried out without a permit issued by the Regional Municipality and determine conditions to which the permit is subject;

(b) empower an official, authorized to issue permits for burning, to refuse to issue a permit for burning that would be a hazard to health or safety;

(c) prescribe a portion of the year during which a permit is not required;

(d) prohibit at certain times, during certain hours or at all times the making or burning of bonfires or other fires in areas prescribed by the by-law;

(e) determine the times when burning may be carried out;

(f) determine the manner in which burning may be carried out.

(3) A by-law made pursuant to this Section does not require the approval of the Minister.

116115 (1) The Council may, by by-law, designate any lands owned by the Regional Municipality as protected water supply areas.

(2) No person shall place or permit to escape any matter or thing of an offensive or deleterious nature, or calculated to impair the quality of water for use for domestic purposes, upon any land in a protected water supply area.

~~(3) No person shall cut any ice upon any lake or other body of water in a protected water supply area, or fish or bathe in a lake or other body of water.~~

(3) No person shall fish or bathe in a lake or other body of water in a protected water supply area.

(4) No person shall cut any wood or camp on any land in a protected water supply area.

(5) No person shall erect, construct or place any building or structure in a protected water supply area.

(6) A by-law passed pursuant to this Section does not require the approval of the Minister.

~~117116~~ (1) In this Section, "vending machine" means any mechanical device that is operated by the introduction of coins, counters or slugs, that dispenses food, beverages, goods, wares or services, including newspapers and other publications.

(2) The Council may, by by-law, regulate the placement of vending machines on the streets of the Regional Municipality.

(3) A by-law passed pursuant to this Section may

(a) prohibit the placement of vending machines on the streets of the Regional Municipality without a licence;

(b) define classes of vending machines and prescribe different licensing requirements and licence fees for each class, with power to exempt specified classes from some or all of the provisions of the by-law;

(c) fix the time during which a licence is in force;

(d) fix the fee for a licence;

(e) limit the number and types of licences that may be issued pursuant to the by-law and prescribe the manner in which licences shall be allotted;

(f) limit the types of food, beverages, goods and services that may be dispensed from a vending machine;

(g) regulate the locations where vending machines may carry on business, with power to differentiate among the defined classes of vending machines;

(h) regulate the size, design and appearance of vending machines;

(i) require the owner of a vending machine to carry public liability insurance of the amount and type set out in the by-law;

(j) require the owner of a vending machine to keep the machine in good repair;

(k) prohibit the dispensing of any food, beverage, good or service for which there is no charge;

(l) require the removal of a vending machine from any particular location where a business or property owner objects to the placement of the machine in front of the owner's premises;

(m) authorize the police to seize and remove any vending machine in violation of any specified provision of the by-law, and to detain it until the expenses of removal and detention are paid.

(4) A by-law passed pursuant to this Section does not require the approval of the Minister.

~~118117~~ (1) The Council may make by-laws

(a) imposing, fixing and providing methods of enforcing payment of charges, rates or fees for wastewater facilities or stormwater system frontages, for the use of wastewater facilities or stormwater systems and for connecting to wastewater facilities or stormwater systems;

(b) imposing, fixing and enforcing payment of charges, rates or fees for the municipal portion of the capital cost of installing water service;

(c) fixing or determining and providing methods of enforcing payment of charges for recovering all or part of the cost of laying out, opening, constructing, repairing, improving and maintaining streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls whether the cost is incurred by the Regional Municipality directly or by or pursuant to an agreement with Her Majesty in right of the Province, the Minister of Transportation and Communications or any other person; and

(d) imposing, fixing or determining and providing methods of enforcing payment of charges for all or part of the cost of the municipal portion of the capital cost of placing the wiring and other parts of an electrical distribution system underground.

(2) A by-law passed pursuant to this Section may provide

(a) that the charges fixed by or determined pursuant to the by-law may be chargeable in proportion to frontage, in proportion to area or in proportion to the assessment of the respective properties fronting on the street or according to another plan or method set out in the by-law;

(b) that the charges may be made and collected only where the persons, owning more than fifty per cent of the frontage of the real property fronting on the street or the portion of a street on which the work

has been performed, have filed with the Clerk a petition requesting that the work be performed;

(c) that the charges become a lien on the whole of the property fronting on the street in the same manner and with the same effect as rates and taxes pursuant to the *Assessment Act*;

(d) that the charges be collectable in the same manner as rates and taxes pursuant to the *Assessment Act* and, at the option of the Treasurer, be so collectable at the same time and by the same proceedings as are rates and taxes;

(e) a manner of determining when the lien becomes effective or when the charges become due and payable;

(f) that the amount payable may, at the option of the owner of the property, be paid in annual instalments over the period, not exceeding twenty years, set out in the by-law, and that the whole balance becomes due and payable in case of default of payment of an instalment;

(g) that interest is payable annually on the entire amount outstanding and unpaid, whether or not the owner has elected to pay by instalments, at a rate and beginning on a date fixed by the by-law.

(3) No property is exempt from a charge levied pursuant to this Section except property of Her Majesty in right of the Province.

H9118 (1) In this Section, "common area" includes entrances, halls, corridors, washrooms, parking areas, driveways, roads, streets, sidewalks or alleys of any shopping centre, shopping mall or other shopping complex.

(2) The Council may make by-laws, not inconsistent with any Act in force in the Province,

(a) prohibiting, regulating and controlling the cutting down of trees, movement of topsoil, movement of gravel, movement of earth, alteration of grade of land and blasting of rock;

(b) respecting licensing and regulating gravel pits and excavations and, without restricting the generality of the foregoing, with power to

(i) require the person responsible for the making of the gravel pit or excavation or the owner of the property, if the gravel pit or excavation was made by the owner or with the owner's consent, to restore it to a condition no more unsightly than before the gravel pit or excavation was made,

(ii) provide for the giving of not less than thirty days' notice to restore to the responsible person or owner,

(iii) enter upon the premises in event of failure to comply with the notice, perform the work required by the notice and recover the cost of the work from the person on whom the notice was lawfully

served, by action commenced by the Administrator in the name of the Regional Municipality, and

- (iv) provide that failure to comply with a notice is an offence;
- (c) prohibiting or controlling the driving of snowmobiles, machines and motor vehicles on ice on harbours, lakes, rivers and streams;
- (d) regulating the use of lakes, rivers and streams by swimmers, canoeists, boat operators and by all persons on or in the lakes, rivers and streams;
- (e) regulating the use of shores of the lakes, rivers and streams by swimmers, canoeists, boat operators and by all persons on or in the lakes, rivers and streams;
- (f) concerning loitering on or about the doorways, steps or entrances of buildings, school property, or on any roads, streets, walkways or alleys, or in any sports complex or on any municipal property, or in the common areas of shopping centres, shopping malls or other shopping complexes;
- (g) prohibiting or controlling noise;
- (h) prohibiting or regulating the firing of guns or other firearms;
- (i) prohibiting or regulating the buying, selling, possession and use of air rifles, air guns and sling shots;
- (j) providing that during the whole or any part of the year all or any class or classes of shops, parlours or places where the business of hair cutting or barbering is carried on, or all or any class or classes of shops, stores, or places in which goods are exposed or offered for sale by retail in the Regional Municipality, shall on any day or on certain days be closed to customers during certain hours or for the entire day with power to exempt from the operation of the by-law, shops, stores or places in which goods are exposed or offered for sale by retail the business occupancy assessment of which is below an amount set out in the by-law;
- (k) regulating and licensing trailers when they are not operated on a public street or highway, except that no licence fee shall exceed two hundred dollars for each trailer and the by-law shall not apply to
 - (i) a trailer parked in the yard of any residential premises for a period not exceeding three weeks at any one time, or
 - (ii) a trailer parked in the yard of the residential premises of the owner of the trailer,

if in either case it is not, while so parked, used for living or eating purposes or for the carrying on of any business;

(l) regulating and licensing camps, parks, tracts or areas of land and any facilities maintained, offered or used for the operating or camping of trailers, including all buildings used or intended to be used as part of the equipment;

(m) regulating and licensing mobile home parks;

(n) regulating connection to and the use of and protecting wastewater facilities and stormwater systems in the Regional Municipality;

(o) providing for any other purpose, matter or thing that is by law within the powers, duties or control of the Council.

(3) A by-law relating to the control of noise may

(a) prescribe a distance beyond which noise shall not be audible;

(b) distinguish between one type of noise and another;

(c) provide that any noise or sound greater than a specified decibel level or other measurement of noise or sound is prohibited;

(d) prescribe the hours during which certain noises or all noise above a level specified in the by-law are prohibited;

(e) authorize the granting of exemptions in such cases as the by-law provides;

(f) provide for the issuing of licences and for cancellation or suspension of licences for cause as provided in the by-law, but where cancellation or suspension is provided for, the by-law shall provide for an appeal of the cancellation or suspension to the Council.

~~120119~~ (1) In this Section,

(a) "mobile canteen" means any vehicle used for the display, storage, transportation or sale of food and beverages by a street vendor;

(b) "stand" includes any table, showcase, bench, rack, pushcart, wagon or wheeled vehicle or device that may be moved without the assistance of a motor, used for the display, storage, transportation or sale of food, beverages or other merchandise by a street vendor;

(c) "street vendor" means a person who sells or offers for sale food, beverages or other merchandise on the streets unless they are immediately delivered to a residence or shop by the person selling them;

(d) "vending" means the sale or offering for sale of food, beverages or other merchandise in the public streets unless they are immediately delivered to a residence or shop by the person selling them.

(2) The Council may, by by-law, regulate vending and street vendors in the Regional Municipality.

(3) Notwithstanding the *Motor Vehicle Act*, a by-law passed pursuant to this Section may

- (a) prohibit vending without a licence;
- (b) define classes of street vendors and prescribe different licensing requirements and licence fees for each class, with power to exempt specified classes from some or all of the provisions of the by-law;
- (c) limit the number and types of licences that may be issued pursuant to the by-law and prescribe the manner in which licences shall be allotted;
- (d) limit the types of food, beverages and other merchandise that may be vended;
- (e) regulate the size, design and equipment of mobile canteens and stands;
- (f) regulate the hours of operation of street vendors;
- (g) regulate the locations where street vendors may carry on business, with power to differentiate among the defined classes of street vendors;
- (h) designate locations on the streets of the Regional Municipality at which vending may be carried out and prohibit vending at all other locations;
- (i) prohibit parking at locations at which street vending is permitted during the hours at which street vending is permitted;
- (j) prohibit the parking of mobile canteens on the streets of the Regional Municipality at times and at locations other than those specified in the by-law;
- (k) prohibit leaving stands on the sidewalks of the Regional Municipality at times and at locations other than those specified in the by-law;
- (l) authorize the police to seize and remove any mobile canteen or stand in violation of any specified provision of the by-law, and to detain it until the expenses of removal and detention are paid;
- (m) fix the time for which a licence is in force;
- (n) fix the fee for a licence;
- (o) regulate the manner in which vending is carried out;
- (p) require street vendors to carry public liability insurance of the amount and type set out in the by-law;

(q) require street vendors, as a condition of obtaining a licence, to agree to keep an area in the vicinity of the site for which the licence is issued free of trash and refuse at the expense of the street vendor.

~~121~~120 (1) In this Section,

(a) "adult entertainment parlour" means any premises or part thereof the main purpose of which is to provide goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations;

(b) "goods" includes books, magazines, pictures, slides, films, phonograph records, pre-recorded magnetic tapes and any other reading, viewing or listening matter;

(c) "massage" includes the kneading, manipulation, rubbing, touching or stimulating by any means, of a person's body or part thereof, but does not include medical or therapeutic treatment given by a physician, chiropractor, osteopath, physiotherapist or nurse licensed or registered under the laws of the Province while practising as such;

(d) "massage parlour" means an establishment, club or business, by whatever name designated, that performs, offers or advertises or is equipped or arranged to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, but does not include establishments that routinely provide such services for medical or therapeutic treatment by physicians, chiropractors, osteopaths, physiotherapists or nurses licensed or registered under the laws of the Province while practising as such;

(e) "masseur" means any person who administers a massage, body rub, alcohol rub, bath or similar treatment for pay, but does not include a physician, chiropractor, osteopath, physiotherapist or nurse licensed or registered under the laws of the Province while practising as such;

(f) "provide"

(i) when used in relation to goods, includes to sell, offer to sell, or display for sale, by retail or otherwise, such goods, and

(ii) when used in relation to services, includes to furnish, perform, solicit or give such services;

(g) "services" includes activities, facilities, performances, exhibitions, viewings and encounters;

(h) "services designed to appeal to erotic or sexual appetites or inclinations" includes

(i) services of which a principal feature or characteristic is the nudity or partial nudity of a person,

(ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture,

symbol or representation having like meaning is used in any advertising.

(2) The Council may make by-laws providing for the licensing, regulating, classifying and inspecting of massage parlours, masseurs and adult entertainment parlours or any class or classes thereof.

(3) Without limiting the generality of the foregoing, a by-law passed pursuant to this Section may

(a) regulate the placement, construction, size, nature and character of signs, advertising and advertising devices, including any printed matter, oral or other communication posted or used for the purpose of promoting massage parlours and adult entertainment parlours or any class or classes thereof, or prohibit such signs, advertising or advertising devices;

(b) define the area or areas of the Regional Municipality in which massage parlours and adult entertainment parlours or any class or classes thereof may or may not operate and limit the number of licences to be granted in respect of massage parlours and adult entertainment parlours or any class or classes thereof in any area in which they are permitted;

(c) provide that the premises in which a massage parlour or adult entertainment parlour is located shall be constructed or equipped in such manner so as not to hinder or prevent the enforcement of the by-law;

(d) prohibit any person carrying on or engaging in the trade, calling, business or occupation for which a licence is required by the by-law from permitting a person under an age specified in the by-law to enter or remain in the massage parlour or adult entertainment parlour or any part thereof;

(e) regulate the hours of operation of massage parlours and adult entertainment parlours or any class or classes thereof.

(4) Where a peace officer or an inspector appointed pursuant to a by-law made pursuant to this Section has reason to suspect that a breach of the by-law has occurred in respect of a massage parlour or adult entertainment parlour, the peace officer or inspector may enter the massage parlour or adult entertainment parlour at any time of the day or night for the purpose of enforcing the by-law.

(5) The holding out to the public that services described in this Section are provided in premises or any part thereof is *prima facie* proof that the premises or part thereof is a massage parlour or adult entertainment parlour, as the case may be.

(6) A by-law made pursuant to this Section may provide that every person who contravenes the by-law and every director or officer of a corporation who concurs or acquiesces in such contravention by the corporation, is guilty of an offence and on summary conviction is liable to a penalty not exceeding five thousand dollars, or to imprisonment for a term not exceeding one year, or to both.

(7) Notwithstanding subsection (6), where a corporation is convicted of an offence under subsection (6) the maximum penalty that may be imposed on the corporation is ten thousand dollars.

(8) A by-law made pursuant to this Section does not apply to premises or trades, undertakings, businesses or occupations carried on in premises licensed under the *Theatres and Amusements Act* or the *Liquor Control Act*.

~~122121~~ (1) The Council may make by-laws prescribing minimum standards of sanitation, plumbing, water supply, lighting, wiring, ventilation, heating, access, maintenance, appearance, construction and material for buildings occupied for residential purposes, or parts of buildings occupied for residential purposes, whether the building or the residential part of it has been erected, constructed or converted to residential purposes before or after the date of the making of the by-law, limiting the number of persons who may reside in a building or residential part of it, imposing on the owner, tenant or occupant, or any one or more of them, the responsibility for complying with the by-law and providing for notice to an owner, occupant or tenant, or any one or more of them, to discontinue the use of a building or part of a building as a place of residence in violation of the by-law and prescribing penalties for such use after notice to discontinue such use has been given.

(2) Where a person contravenes or fails to comply with a by-law made pursuant to this Section, the Administrator may apply to the Supreme Court of Nova Scotia for any or all of the remedies provided by this Section.

(3) The Supreme Court of Nova Scotia may hear and determine the matter at any time and, in addition to any other remedy or relief, may

(a) make an order restraining the continuance or repetition of a contravention or failure and a new or further contravention or failure in respect of the same building or structure;

(b) make an order directing the removal or destruction of the building or structure, or part, that is in contravention of or fails to comply with the by-law and authorizing the Administrator, where an order is not complied with, to enter upon the land and premises with necessary workers and equipment and to remove and destroy the building or structure, or part of it, at the expense of the owner;

(c) make such further order as to the recovery of the expense of removal and destruction, to enforce the by-law and as to costs as is deemed proper,

and an order may be interlocutory, interim or final.

(4) In the event of a fresh offence by the same person against the by-law after an application has been made, it is not necessary to bring a further application and the original application may be amended from time to time, and at any time before final judgment so as to include the other offences, and the whole matter of the violations shall be heard, dealt with and determined.

(5) Where the Administrator cannot locate the owner of any building or structure in respect of which a contravention or failure to comply is taking place or

has taken place, notice of the application may be posted upon the building or structure.

~~123~~122 (1) Except as otherwise provided, the Council may, by by-law, prescribe a maximum penalty, not exceeding five thousand dollars, for the violation of any by-law of the Regional Municipality and may, in the by-law, provide that in default of payment of the penalty the offender may be imprisoned for a maximum period not exceeding ninety days.

(2) The Council may, by by-law, prescribe a minimum penalty not exceeding one hundred dollars for the violation of any by-law of the Regional Municipality.

(3) Where no penalty for violation of a by-law is prescribed, every person who violates the by-law is liable upon summary conviction to a penalty not exceeding five thousand dollars and in default of payment to imprisonment for a period not exceeding ninety days.

(4) Where a person is convicted of violating a by-law by doing anything without a licence, the court may, in addition to any other penalty for which that person is liable, order that person to pay the licence fee.

(5) Where a person pays a licence fee when ordered to do so by the court and requests that the licence be issued, the Regional Municipality shall issue the licence if the person is otherwise entitled to the licence.

(6) Every day during which a contravention of or failure to comply with a by-law continues is a separate offence.

~~124~~123 (1) Every penalty and licence fee imposed pursuant to this Act may, unless any other provision is specially made, be recovered and enforced with costs on summary conviction.

(2) All penalties for violations of this Act, or of any by-law of the Regional Municipality made pursuant to the authority of this or any Act shall, when collected, be paid to the Regional Municipality.

(3) A penalty or fine pursuant to any by-law of the Regional Municipality, if no other provision is made respecting it, belongs to and forms part of the general revenue of the Regional Municipality.

~~125~~124 In addition to any other remedy and to any penalty imposed by a by-law, the Regional Municipality may apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order, and the judge may make any order that the justice of the case requires where

(a) a building is erected, or is being erected or is being used, or where any land is being used, in contravention of a by-law of the Regional Municipality;

(b) the breach of a by-law is anticipated or is of a continuing nature; or

(c) a person is carrying on business or is doing any act, matter or thing without having paid any licence or permit fee required to be paid.

~~126~~125 (1) Except as otherwise specified in the enactment authorizing the by-law, every by-law made by the Council pursuant to this or any other Act is subject to the approval of the Minister and, when so approved and published, has the force of law.

(2) The Minister may subsequently revoke approval of a by-law or of part of the by-law and, after such revocation, the by-law or the part in respect of which approval is revoked is repealed.

~~127~~126 (1) The Council shall keep in a suitable book one copy of every by-law and one copy of every administrative order, certified by the Clerk under the seal of the Regional Municipality that it was passed or made and, in the case of a by-law requiring the approval of the Minister, bearing the approval of the Minister.

(2) The Clerk shall file a certified copy of the notice of publication of the by-law at the end of every by-law entered in the by-law book.

(3) The by-law book shall be maintained by the Clerk.

(4) The by-law book shall be open to inspection by any person at any reasonable time, but shall not be removed from the office of the Clerk and the production of the book, or any part of the book, in a court may not be required on subpoena but only upon order of the court or a judge after satisfactory cause has been shown.

(5) The Clerk shall print all of the by-laws of the Regional Municipality from time to time in force and shall keep printed copies of the by-laws, amended to date, for sale.

(6) The Clerk shall provide a copy of any by-law amended to date to any person requesting one, at a reasonable price, having regard to the cost of printing.

~~128~~127 (1) A copy of any by-law made pursuant to this or any other Act purporting to be certified by the Clerk under the seal of the Regional Municipality to be a true copy of a by-law passed by the Council and having received all necessary approvals shall be received in evidence as *prima facie* proof of its passing, of its having received all necessary approvals, of its publication, of its being in force and of the contents of it without any further proof in any court, unless it is specially pleaded or alleged that the seal or the signature of the Clerk has been forged.

(2) Printed documents certified by the Clerk purporting to be printed copies of any or all by-laws passed by the Council shall be admitted in evidence in all courts in the Province as *prima facie* proof of the by-laws and of the due passing of them.

~~129~~128 (1) Any person may, by notice of motion, apply to a judge of the Supreme Court of Nova Scotia to quash any by-law, order or resolution of the Council, in whole or in part, for illegality.

(2) The judge may quash the by-law, order or resolution, in whole or in part, and may, according to the result of the application, award costs for or against the Regional Municipality and may determine the scale of the costs.

(3) The notice of motion shall be served at least seven clear days before the day on which the motion is to be made.

(4) No application pursuant to this Section to quash a by-law, order or resolution, in whole or in part, shall be entertained unless the application is made within three months after the adoption of the by-law, order or resolution except where a by-law requires the approval of the Minister and the by-law has not been submitted to or has not received the approval of the Minister, an application to quash the by-law may be made at any time.

PART IX

STREETS

~~130~~129 (1) All public streets, roads, lanes, sidewalks, thoroughfares, bridges, except bridges under the control of the Halifax-Dartmouth Bridge Commission, squares, parks and public grounds, and all curbs, gutters and retaining walls in connection therewith, in any city or town formerly constituted within the Regional Municipality are vested absolutely in the Regional Municipality and, in so far as is consistent with their use by the public, the Council has full control over them.

(2) No road or allowance for a road to be set out becomes a public street for the purpose of this Act until the Council formally accepts the road or allowance as a public street for the purpose of this Act or the road or allowance is vested in the Regional Municipality according to law.

(3) Possession, occupation, use or obstruction of a street, or any part of a street, does not give any estate, right or title to the street.

~~131~~130 (1) In this Section, "highway" has the same meaning as in the *Motor Vehicle Act*.

(2) The Council may, by administrative order, appoint the officer in charge of the police detachment serving a part of the Regional Municipality, another officer recommended by the officer in charge or an official of the Regional Municipality to be the traffic authority for all or part of the Regional Municipality.

(3) A traffic authority appointed by the Council has within the Regional Municipality the powers of a traffic authority of a city or town pursuant to the *Motor Vehicle Act*.

(4) The Clerk shall forthwith send to the Provincial Traffic Authority any resolution of Council passed pursuant to this Section.

(5) Where there is no traffic authority, the Minister of Transportation and Communications may appoint a traffic authority to hold office until the Council has appointed a traffic authority.

(6) Where it appears to the Minister of Transportation and Communications that a traffic authority appointed by the Council is not performing the duties and functions of a traffic authority, the Minister of Transportation and Communications may, by letter directed to the Mayor or Clerk, cancel the appointment of the traffic authority.

(7) The Provincial Traffic Authority has with respect to all limited access highways in the Regional Municipality, all highways in areas of the Regional Municipality for which there is no traffic authority and all highways in the Regional Municipality that have been designated by the Minister of Transportation and Communications as main travelled or through highways, all of the powers conferred upon a traffic authority by or under the *Motor Vehicle Act*.

(8) The traffic authority or authorities for the Regional Municipality have with respect to all highways in the Regional Municipality, excluding those for which the Provincial Traffic Authority has authority pursuant to this Section, all of the powers conferred upon a traffic authority by or under the *Motor Vehicle Act*.

~~132~~131 (1) No person shall obstruct any street in the Regional Municipality.

(2) No person shall deposit any snow or ice on the travelled way of any street.

(3) No person shall construct or widen any driveway or other access to a street without the permission of the Engineer.

~~133~~132 (1) Any person who

- (a) places an obstruction on a street;
- (b) places an obstruction in a drain, gutter, sluice or watercourse on a street;
- (c) prevents water flowing from a street on to the adjoining land;

or

- (d) causes water to flow over a street,

is guilty of an offence.

(2) Where an owner of land has been notified by the Engineer of a violation of subsection (1), and has been required to remedy the condition causing the violation, and fails to comply with the notice, the Engineer may cause to be done all work necessary for compliance with the notice.

(3) Where an obstruction is a structure of any kind, the Engineer may notify the owner of the structure to remove the structure from the street within such time as the Engineer specifies.

(4) Where the structure is not removed within the time specified, the Engineer may remove, demolish or destroy the structure in such manner as is deemed expedient.

134133 (1) Any owner or occupant of land, who collects water upon the land and turns or allows the water to flow upon a street, is liable for all damage to the street, gutters or drains occasioned thereby.

(2) Where, by reason of the collection of such water, the flow requires, in the opinion of the Engineer, the construction of a larger drain, sluice or culvert on the street, or makes necessary any alteration in the street or the building of new drains, sluices or culverts, such person is liable to pay the expenses of any such alteration or construction.

135134 (1) No person shall erect, construct or place any building or structure, fence, railing, wall, tree or hedge or part of them upon a street.

(2) Where a person is in apparent contravention of this Section, the Engineer may serve notice on that person to remedy the contravention and, where the condition is not remedied within the time specified in the notice, the Engineer may cause the condition to be remedied.

(3) Where any part of a street other than the travelled way has been built upon and the Council has determined that the encroachment was made in error, the Council may permit the encroachment to continue until such time as the building or structure encroaching upon the street is taken down or destroyed.

(4) Section 78 of the *Public Utilities Act* applies *mutatis mutandis* to the erection or placement of any pole, wire, conduit or pipe in, upon, along, under or across a street.

136135 The owner or occupant of land adjoining a street, who erects or maintains, or permits the erecting or maintaining on that land, of any advertising sign or billboard that, in the opinion of the Engineer, is a menace or source of danger to traffic on the street and who fails to remove the advertising sign or billboard within ten days after the receipt of notice from the Engineer to remove the same, is guilty of an offence.

137136 (1) No person shall

(a) deposit or permit to accumulate any sewage, refuse, garbage, rubbish or other matter on a street or in any drain, gutter, sluice or watercourse on a street; or

(b) cause, suffer or permit any sewage, refuse, garbage, rubbish or other matter to discharge or flow upon a street or into any drain, gutter, sluice or watercourse on a street.

(2) Every person who violates this Section is liable for the expense of removing such sewage, refuse or other matter or of preventing such discharge or flow.

~~138~~137 The Engineer may permit any person to use any portion of a street, ~~except the travelled way or a sidewalk,~~ for construction or other temporary purpose.

~~139~~138 (1) No person shall break the pavement or soil of any street without the permission of the Engineer.

(2) The Council may, by administrative order, prescribe the terms upon which a permit to break the pavement or soil of a street may be granted, including setting a fee for the permit and requiring security to be posted to ensure that the street is restored.

~~140~~139 The Council may make by-laws for the protection of streets; ~~including the setting of weight limits on the vehicles that may travel upon any street,~~ and may limit the by-law to certain streets or to certain times of the year, or to both, and, for the purpose of the *Motor Vehicle Act*, the Council is a local authority.

~~141~~140 (1) Notwithstanding the *Motor Vehicle Act*, the Council may, by by-law, establish a pedestrian mall on all or any part of a street or any land owned by the Regional Municipality, and may limit or prohibit the use of that mall by vehicles or classes of vehicles to such extent and for such periods as may be specified in the by-law.

(2) The by-law may restrict or prohibit parking on the mall.

(3) The by-law may provide that any vehicle found on the mall in violation of the by-law may be removed and detained until the expenses of removal and detention are paid.

~~142~~ Where urgent action is necessary for the protection of the public or the maintenance of a street, the Engineer may close any street, or part of a street, to traffic for a temporary period or may impose size restrictions for a temporary period.

141 The Engineer may temporarily close any street or part thereof for a period not exceeding six months for the protection of the public, to allow work to be done on the street or on lands or buildings adjacent to the street or for any other purpose beneficial to the public interest.

~~143~~142 (1) The Engineer may at any time after October 31st in any year enter upon any land adjoining a street and erect and maintain snow fences on it or take down, alter or remove any fence or other obstruction of any kind that causes drifts or an accumulation of snow so as to impede or obstruct traffic.

(2) Every snow fence so erected shall be removed, and every fence or other obstruction taken down or altered shall be restored, before May 15th in the following year.

(3) The Engineer may, at any time and from time to time, construct, open, maintain or repair any drain, gutter, sluice or watercourse upon any land adjoining a street and for such purpose may, at any time and from time to time, enter into and upon such land.

(4) Any person who hinders or obstructs the Engineer in the exercise of any power or authority conferred by this Section is guilty of an offence.

~~144~~143 (1) The Council may, by by-law, prohibit any person from using any vehicle or apparatus on any sidewalk in the Regional Municipality.

(2) The Council may, by by-law, prohibit any person from taking or riding any animal on any sidewalk in the Regional Municipality.

(3) Notwithstanding the *Motor Vehicle Act*, the Council may, by by-law, require the successful completion of a prescribed course of instruction in matters relevant to the taxi industry in the Regional Municipality as a qualification for a taxi licence.

(4) Notwithstanding the *Motor Vehicle Act*, the Council may, by by-law, limit the number of motor vehicles that may be licensed as vehicles for hire to transport passengers.

~~(3)~~(5) A by-law passed pursuant to this Section is not subject to the *Motor Vehicle Act* and does not require the approval of the Minister.

~~145~~144 (1) The Council may, by by-law, require the owner, occupier or person in charge of a property to clear snow and ice from the sidewalks adjoining the property within four hours after the end of any snowfall or, when the snow stops falling during the night, four hours after daylight.

(2) The Council may, in the by-law, prescribe measures to be taken by the owners, occupiers or persons in charge for the abatement of dangerous conditions arising from the presence of snow and ice on the sidewalks adjoining the property.

(3) The Council may, in the by-law, provide that where a property owner fails to clear the ice and snow from the sidewalk after twenty-four hours notice to do so, or to take the necessary measures for the abatement of any dangerous condition arising from the presence of the snow and ice, the Engineer may have the snow and ice cleared and any necessary measures to abate dangerous conditions taken, and charge the cost to the owner, and the cost is a debt due to the Regional Municipality and a lien upon the property and may be collected in the same manner as rates and taxes under the *Assessment Act*.

(4) The Council may, by by-law, require the owner of a property to remove any ice or icicles from any part of a building overhanging or abutting a sidewalk.

~~146~~145 (1) The Council may lay out, open, construct, maintain, improve, alter, repair, light, water, clean and clear streets in the Regional Municipality.

(2) Where the Council proposes to lay out, open or construct a street, or to improve or alter a street, the Council shall have a survey made and shall file a copy of the plan in the office of the registrar of deeds for the registration district in which the street is located.

(3) The Council may expend funds for the purpose of clearing snow and ice from the streets, sidewalks and public places in all or part of the Regional Municipality.

~~147~~146 (1) The Council shall not lay out, open, construct or accept the dedication of a street that is less than fifteen metres in width.

(2) The Council shall not expend any moneys of the Regional Municipality on a street that is less than fifteen metres in width, except a street dedicated to the use of the public or owned by a town or city before April 1, 1995.

~~148~~147 (1) The Council may, by administrative order, close any street or part of a street.

(2) The Council shall hold a public hearing before passing the resolution.

(3) The Council shall give notice of its intent to close the street by advertisement inserted for at least two successive weeks in a newspaper published or circulating in the Regional Municipality.

(4) The first notice shall be published at least twenty-one clear days before the date of the public hearing.

(5) The notice shall set out the time and place of the public hearing at which those in favour or opposed to the street closing will be heard and describe the street to be closed sufficiently to identify it.

(6) A copy of the notice shall be mailed to the Minister of Transportation and Communications at least twenty-one days before the public hearing.

(7) A copy of the resolution passed by the Council, certified by the Clerk under the seal of the Regional Municipality, incorporating a survey or a metes and bounds description of the street that is closed, shall be filed in the office of the registrar of deeds for the registration district in which the street is located and with the Minister of Transportation and Communications.

(8) Upon filing the resolution in the office of the registrar of deeds, all rights of public user in the land described in the resolution are forever extinguished and the Regional Municipality may sell and convey the land or may subsequently re-open the land as a street in the manner prescribed in this Act.

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~~149~~148 A by-law passed pursuant to this Part does not require the approval of the Minister.

~~150~~149 This Part does not apply to a highway vested in Her Majesty in right of the Province.

PART X

SOLID-WASTE RESOURCE MANAGEMENT

150 (1) The Council may make by-laws

(a) prohibiting persons from depositing any solid waste in any sanitary landfill or other place of deposit except in a sanitary landfill licensed pursuant to the *Environment Act* or not required to be licensed pursuant to that Act, or a recycling facility, transfer station, waste separation facility or composting site established pursuant to the integrated solid-waste resource management strategy of the Regional Municipality;

(b) regulating the mode of removal of solid waste and providing for and regulating the use of containers for solid waste;

(c) licensing persons engaged in the business of removing or collecting solid waste, with power to regulate the operation of the business and to prohibit, in whole or in part, the operation of any such business by a person not holding a licence;

(d) prescribing the materials or class of materials that may be deposited at any sanitary landfill site, recycling facility, transfer station, waste separation facility or composting site established pursuant to the integrated solid-waste resource management strategy of the Regional Municipality and the terms and conditions under which such deposit may be made, including the amount and manner of payment of any fees and charges to be paid for permission to make the deposit;

(e) respecting the collection, storage and disposal of industrial and commercial waste material and licensing persons who collect, store or dispose of it;

(f) requiring the separation of solid waste prior to collection to comply with the integrated solid-waste resource management strategy of the Regional Municipality;

(g) requiring compliance with the waste resource diversion component of the integrated solid-waste resource management strategy of the Regional Municipality;

(h) respecting any other matter required to implement the integrated solid-waste resource management strategy of the Regional Municipality.

(2) A by-law passed pursuant to this Section does not require the approval of the Minister.

151 (1) The Regional Municipality may provide compensation to an area or to the residents of an area in which a sanitary landfill is located in amounts and under such conditions as the Council may determine.

(2) The Regional Municipality is not subject to the *Planning Act* or a land-use by-law with respect to the siting of any solid-waste management facility in the Regional Municipality.

(3) The Regional Municipality may contract with other municipalities or persons for the use of any of its solid-waste management facilities.

(4) The Regional Municipality shall not charge any costs incurred by Halifax County Municipality in designing or siting a sanitary landfill and in developing the integrated solid-waste resource management strategy of the Regional Municipality solely to residents of the former Halifax County Municipality, and all such costs incurred after July 1, 1994, shall be paid by the Regional Municipality from its general rate.

152 (1) Halifax County Municipality shall design and site a sanitary landfill in Halifax County Municipality for the Regional Municipality and is not subject to the *Planning Act* or a land-use by-law with respect to such siting.

(2) Halifax County Municipality shall, through a citizen-led, multi-stakeholder, consensus decision-making process, develop and adopt an integrated solid-waste resource management strategy for the Regional Municipality and any strategy so adopted continues in force until altered or amended by the Council following a similar process.

(3) Halifax County Municipality may, to carry out the integrated solid-waste resource management strategy, enter into agreements that are binding on the Regional Municipality.

PART * XI

SEWERS

~~151~~153 In this Part,

(a) "building service connection" means any piping system that conveys sewage or liquid waste or stormwater or surface runoff from a property to a public sewer;

(b) "central sewage disposal system" means a private sewage disposal system serving two or more properties;

(c) "combined sewer" means a sewer intended to function simultaneously as a storm sewer and as a sanitary sewer;

(d) "garbage" means wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce, that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sewers with no particles greater than one-half inch in any dimension;

(e) "improve" includes to lay out, open, construct, repair, improve and maintain;

(f) "oversized sewer" means a sewer designed to benefit lands in addition to lands that will benefit from the sewer immediately upon completion of the sewer;

(g) "private sewage disposal system" means any private system for sewage disposal serving one lot of real property;

(h) "public sewer" means a sewer controlled by the Regional Municipality;

(i) "sanitary sewer" means a sewer receiving and carrying liquid and waterborne wastes from residences, institutions, commercial establishments and industrial establishments, and to which storm, surface or ground waters are not intentionally admitted;

(j) "sewer" means a pipe or conduit for carrying sewage, groundwater, stormwater or surface run-off and includes all sewer drains, storm sewers, clearwater sewers, storm drains and combined sewers vested in or under the control of the Regional Municipality;

(k) "special sewer connection" means a connection from a building on a property to a sewer that is not situate in the portion of the street on which the property immediately abuts;

(l) "storm sewer" means a sewer that carries stormwater and surface run-off water excluding sewage.

152154 (1) The Engineer has the control of wastewater facilities and stormwater systems of the Regional Municipality and shall take charge of their building and repair and all matters in connection with the wastewater facilities of the Regional Municipality as pertain to its construction, maintenance and use.

(2) The Engineer may, at any reasonable hour, enter upon all properties for the purpose of inspection, observation, measurement, sampling, testing or work in accordance with this Act and any by-law made by the Council.

153155 No person shall injure, and no person not being an employee or agent of the Regional Municipality acting in the course of duty shall remove, any portion of any catchpit, receiving basin, grating, covering flagstone or other cover of any catchpit or of any manhole, vent-shaft or any other part of any wastewater facilities or stormwater system.

154156 (1) The Council may prescribe by administrative order standards and specifications regarding connections to wastewater facilities and stormwater systems, and the conditions under which connections may be made.

(2) No person shall make a connection to wastewater facilities or a stormwater system in violation of any resolution or by-law made pursuant to this Act.

(3) No person shall make a connection to wastewater facilities or a stormwater system without the approval of the Engineer.

155157 (1) Every building service connection shall be constructed and maintained at the expense of the owner, whether on privately owned property or not.

(2) Where no building requiring sewer service is located on private property abutting a street or right of way in which a public sewer is constructed until after construction of the public sewer is completed, the Regional Municipality, at the owner's expense, shall construct the building service connection for that building from the public sewer to the street line or boundary of the right of way.

(3) The construction of a building service connection shall be subject to the supervision of the Engineer and of the size and at the grade, and with the mode of piercing or opening into the sewer, and generally in such manner and of such materials as the Engineer directs.

(4) No building service connection shall be covered in until it has been inspected and approved by the Engineer.

(5) Where the owner or an agent of the owner covers in any building service connection before it has been inspected and a certificate of approval issued, the Engineer may open it for the purpose of inspection.

(6) The Engineer may repair or replace a building service connection with the consent of the owner and at the expense of the owner.

156158 (1) Where the Council has agreed to improve a street or lay a permanent sidewalk, the Engineer may require that portion of a building service connection from the public sewer to the street line or boundary of right of way to be constructed either before the construction of the street or sidewalk has begun or during the construction.

(2) Where an abutting property has more than fifty feet of frontage on the street, the Engineer may require two or more building service connections to be constructed so long as the connections are not less than fifty feet apart.

157159 (1) The owner of a property shall not construct a special sewer connection without having first obtained a special sewer connection permit from the Engineer to do so.

(2) The owner shall construct and maintain the special sewer connection to the satisfaction of the Engineer in the same manner as a building service connection.

(3) Before a permit may be issued, the owner shall execute a document indemnifying and saving harmless the Regional Municipality against any damage, loss or expense incurred by the Regional Municipality as a result of the construction, existence or removal of the special sewer connection.

(4) Where a sewer has been constructed in a street on which a property served by a special sewer connection abuts, the Engineer may require the owner to connect the property with the street sewer and remove the special sewer connection.

(5) The Engineer may inspect the maintenance of and repairs to a special sewer connection and may, at all reasonable times, enter on and remain on any property for the purpose of doing so.

(6) No person shall cover in a special sewer connection until the Engineer has completed an inspection of the connection.

(7) If the owner or the owner's agent covers in any special sewer connection before it has been inspected and a certificate of approval therefor issued, the Engineer may open it for the purpose of inspection.

~~158160~~ (1) Where any sewer connection is abandoned, the owner shall effectively block up the connection at the sewer in a manner approved by the Engineer so as to prevent sewage from backing up into the soil, or dirt being washed into the sewer, and the blocking up shall be inspected and approved by the Engineer before it is covered.

(2) If the owner or the owner's agent covers in any blocked sewer connection before it has been inspected and a certificate of approval therefor issued, the Engineer may open it for the purpose of inspection.

(3) Where the owner does not effectively block up a sewer connection within twenty-four hours from the receipt of a notice from the Engineer to do so, the Engineer may cause it to be done.

~~159161~~ (1) Where a building service connection or special sewer connection is causing a municipal sewer to malfunction and repairs to the connection would result in the malfunction being cured, the Engineer may require the owner of the property in which is located any portion of the connection which requires repairs to complete the repairs within a reasonable time.

(2) Where the repairs required are not completed by the owner within a reasonable time, the Engineer may cause the repairs to be completed.

~~160162~~ (1) Where a public sewer has been or is to be constructed in a street, the Engineer may give notice in writing to any owner of property abutting on the street requiring that owner, within the time specified in the notice, to connect the building with the public sewer by a building service connection.

(2) The Engineer may require an owner to repair, reconstruct or replace a building service connection.

(3) If any building service connection is not laid and built and connected with the public sewer or any other work in connection with the building service connection is not done to the satisfaction of the Engineer, the Engineer shall, in writing, notify the owner of the property served or to be served by the building service connection to that effect, specifying in what particulars the work is unsatisfactory, and if the owner fails to perform the work to the satisfaction of the engineer within seven days from the receipt of the notice, the Engineer may perform the necessary work.

~~161163~~ (1) No person shall permit the discharge into any wastewater facilities or stormwater system of the Regional Municipality or into any wastewater facilities or stormwater system or building service connection connecting with the wastewater facilities or stormwater system of the Regional Municipality of

(a) a liquid or vapour having a temperature higher than that specified by the Council by by-law;

(b) inflammable or explosive matter;

(c) a quantity of matter capable of obstructing the flow in or interfering with the proper operation of any part of the sewage works and treatment process;

(d) sewage that has any corrosive property that could be hazardous to structures, equipment or personnel;

(e) sewage of such quality that an offensive odour or foam could emanate from the wastewater facilities system or that could cause a nuisance;

(f) sewage containing fish or animal offal or pathological or medical wastes;

(g) the contents of septic tanks or holding tanks or wastes from marine vessels or vehicles or sludge from sewage treatment plants;

(h) industrial, institutional or commercial waters or wastes containing animal fats, wax, grease or vegetable oil in liquid or solid form in concentrations exceeding those specified by the Council by by-law;

(i) industrial, institutional or commercial waters or wastes containing herbicides, pesticides, xenobiotics, polychlorinated biphenols or radioactive materials that are not approved for disposal in a sanitary sewer by the Atomic Energy Control Board;

(j) sewage from industrial, institutional or commercial sources in concentrations of suspended solids that exceed the limit specified by the Council by by-law;

(k) sewage from industrial, institutional or commercial sources that exerts or causes excessive discoloration;

(l) sewage from industrial, institutional or commercial sources that exerts or causes biological oxygen demand and chemical oxygen demand greater than amounts specified by the Council by by-law, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment facilities;

(m) water or waste that contains toxic substances at the point of discharge to the public sewer in excess of the concentrations specified by the Council by by-law;

(n) waters or wastes containing substances for which special treatment or disposal practices are required by any applicable enactments of the Parliament or Government of Canada or of the Province.

(2) Compliance with any limit is not attainable simply by dilution.

(3) The Council may, by by-law, more specifically describe or establish standards respecting those substances that may not be discharged into any building service connection, wastewater facilities or stormwater system.

(4) The Council may, by by-law, prescribe conditions under which the discharge of contaminants set out in this Section or in a by-law may be permitted, and shall in the by-law set out the contaminant the discharge of which is permitted, and the requirements of any agreements with respect to it.

(5) The Council may, by by-law, prescribe methods of testing and measurement to ensure compliance with this Part and any by-law.

(6) A treatment or flow quantity control equalizing facility installed pursuant to a by-law or an agreement made pursuant to this Section shall be maintained by the owner of the property on which it is installed at the expense of the owner.

(7) A by-law made pursuant to this Section does not require the approval of the Minister.

~~162164~~ (1) The Engineer may require any owner of land that is connected to wastewater facilities or a stormwater system of the Regional Municipality to provide grease, oil and sand interceptors in order to provide for the proper handling of liquid wastes containing grease in excessive amounts, inflammable wastes, sand or other harmful ingredients.

(2) All interceptors shall be of a type and capacity approved by the Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection.

(3) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place are gas-tight and watertight.

(4) Where the interceptors required are not provided by the owner within the time referred to in the notice, the Engineer may cause the interceptors to be provided.

~~163~~165 (1) The Engineer may require the owner of any industrial, commercial or institutional property served by a building service connection to install a suitable control manhole in the building service connection to facilitate observation, sampling and measurement of the wastes.

(2) The control manhole shall be located and constructed in accordance with plans approved by the Engineer.

(3) The control manhole shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

(4) Where the control manhole required is not provided by the owner within the time required by the Engineer, the Engineer may cause the control manhole to be installed.

~~164~~166 (1) Where a public sewer becomes available to a property served by a private sewage disposal system, the Engineer may require the owner of the property to connect the property to the public sewer.

(2) Upon receipt of a notice from the Engineer requiring a connection, the owner shall, within the time specified in the notice, cause the property to be connected to the public sewer by a building service connection.

(3) The owner shall cause any septic tank, cesspool, privy or private sewage disposal system on the property to be abandoned and removed or filled with suitable material in a manner acceptable to the Engineer.

(4) Where the owner of a property has been notified by an official of the Regional Municipality or any official of the Province, pursuant to a by-law or to any Act or regulation of the Province, to remove or close up any cesspit, septic tank, privy or private sewage disposal system on the property, and the owner fails to comply with the notice, or where the owner of a property fails to comply with a notice requiring the construction of a building service connection in accordance with this Act, the Engineer may cause to be done all work necessary for compliance with the notice.

(5) The Engineer may require as a part of the work necessary for compliance the installation of a suitable water closet and its connection with a public sewer.

~~165~~167 (1) No person shall permit stormwater, surface water, groundwater, roof run-off, subsurface drainage, cooling water or industrial process waters to be discharged into a sanitary sewer.

(2) No person shall connect a sump pump to a sanitary sewer.

(3) No person shall discharge sewage anywhere except into a public sewer, private sewage system or central sewage disposal system.

(4) No person shall permit any contents of a septic tank or cesspit to be discharged into a public sewer or watercourse.

(5) No person shall construct or install a central sewage disposal system within the Regional Municipality.

166168 (1) A person who owns, maintains or operates a central sewage disposal system or who owns or occupies land on or under which there is a central sewage disposal system shall maintain and operate the system in such a manner that

(a) a danger to the public health is not created by the system;

(b) sewage or effluent from the system does not appear on the surface of the ground, or in any ditch, excavation or building basement;

(c) sewage or effluent from the system does not appear in any well or in any body of water from which water is used for drinking purposes;

(d) sewage or effluent from the system does not leak from any part of the system; and

(e) offensive odours are not emitted from the system.

(2) Where a person who owns, maintains or operates a central sewage disposal system or who owns or occupies land on or under which there is a central sewage disposal system fails or neglects to maintain or operate the system in the manner prescribed by subsection (1), the Engineer may cause to be served upon that person a notice requiring that the failure or neglect be corrected in the manner set out in the notice within seven days from the service of the notice.

(3) If the failure or neglect is not corrected in accordance with the terms of the notice and within the time prescribed in the notice, the Engineer may cause to be done all work necessary for compliance with the notice.

167169 (1) Where a public sewer becomes available to a property served by a central sewage disposal system, the Engineer may require the owner of the property to connect the property to the public sewer.

(2) Upon receipt of a notice from the Engineer requiring a connection, the owner shall, within the time specified in the notice, cause the property to be connected to the public sewer by a building service connection.

(3) The owner shall cause any central sewage disposal system or any portion of it on the property to be abandoned and removed or filled with suitable material.

(4) Where the owner of a property fails to comply with a notice of the Engineer pursuant to this Section, the Engineer may cause to be done all work necessary for compliance with the notice.

~~168~~170 (1) Where a public sewer becomes available to all the properties served by a central sewage disposal system, the person who owns, maintains or operates the central sewage disposal system shall cause it to be abandoned and removed or filled with suitable material.

(2) Where the person who owns, operates or maintains the central sewage disposal system fails to comply with the provisions of subsection (1), the Engineer may cause to be done all work necessary for compliance.

(3) The cost of the work caused to be done by the Engineer is a debt payable to the Regional Municipality by the person who owns, maintains or operates the central sewage disposal system.

~~169~~171 (1) The Council may, by by-law, provide for a pollution control charge that is an annual charge upon the users of the wastewater facilities system of the Regional Municipality for the construction, operation and maintenance of a pollution control system, including collection mains or pipes, force mains, pumping stations, sewage treatment plants and other similar sewage-treatment facilities for pollution control.

(2) The by-law may provide for a charge based on

(a) actual consumption of water;

(b) actual discharge of effluent;

(c) in the case of unmetered water users, the average rate of consumption by a similar class of users of water in the preceding year;

(d) where effluent is unmetered, the average discharge of effluent by a similar class of users of the wastewater facilities system in the preceding year,

or any combination of these methods.

(3) Where users of wastewater facilities are not users of a water system, the by-law may provide for a charge on the basis set out in the by-law.

(4) The charge may be at different rates for different wastewater facilities systems of the Regional Municipality.

(5) The charge may be in lieu of, or in addition to, a charge imposed by a by-law pursuant to any other Section as Council determines.

(6) The pollution control charge constitutes a lien on the property of the occupant of the property in respect of which the pollution control charge is levied and may be collected in the same manner and with the same remedies as rates and taxes pursuant to the *Assessment Act*.

~~170~~172 (1) The Council may, by by-law, define the class or classes of buildings to be erected or enlarged according to the varying loads that, in the opinion of Council, the buildings impose or may impose on the sewer system and levy a charge

or charges to pay for additional or trunk sanitary or storm sewer capacity required to accommodate the effluent from such buildings, and for the purpose of levying redevelopment charges the Regional Municipality may be divided into zones.

(2) A redevelopment charge levied pursuant to this Section constitutes a lien against the land upon which the building is erected or enlarged and may be collected in the same manner and with the same remedies as rates and taxes under the *Assessment Act*.

~~171~~173 (1) The Council may, by by-law, impose a trunk sewer tax

(a) on each lot in a new subdivision upon final approval of the subdivision;

(b) on each lot in an existing subdivision when the lot is capable of being serviced by a sanitary sewer or a storm sewer.

(2) A trunk sewer tax constitutes a first lien against the land in respect of which it is levied and may be collected in the same manner and with the same rights and remedies as rates and taxes pursuant to the *Assessment Act*.

(3) The trunk sewer tax may be at different rates for different areas or zones of the Regional Municipality so long as the areas or zones and the tax in each are specified in the by-law.

~~172~~174 (1) The Council may, by by-law, impose an oversized sewer tax on each property determined by the Council to benefit from the sewer in the future.

(2) The oversized sewer tax shall be a charge per square foot equal to the cost of making the sewer an oversized sewer divided by the area of all properties subject to the oversized sewer tax.

(3) The Council may provide that the oversized sewer tax does not become due and payable until the property is serviced by a public sanitary or storm sewer.

(4) An oversized sewer tax constitutes a first lien against the land in respect of which it is levied and may be collected in the same manner and with the same rights and remedies as rates and taxes pursuant to the *Assessment Act*.

~~173~~175 (1) The Council may, by by-law, establish a wastewater-management district.

(2) The Council may establish more than one wastewater-management district.

(3) A by-law establishing a wastewater-management district shall

(a) delineate the boundaries of the wastewater-management district;

(b) state the system or systems of wastewater management to be used in the district;

(c) state the extent to which the Regional Municipality assumes responsibility for the repair, upgrading or replacement of private and public sewer systems; and

(d) provide a method for charging the persons within the district for the expenditures made in the district for the wastewater-management system.

(4) A by-law establishing a wastewater-management district may

(a) provide that the charges for any wastewater-management system are to be levied in respect of real property

(i) in proportion to street frontage,

(ii) in proportion to real property assessment, or

(iii) in accordance with such other method as the by-law may provide;

(b) make the charges collectable in the same manner as rates and taxes are collectable pursuant to the *Assessment Act* and, if the Treasurer so determines, collectable at the same time and by the same proceedings;

(c) make the charges a lien on real property in the same manner and with the same effect as rates and taxes pursuant to the *Assessment Act*;

(d) provide a manner for determining when a lien becomes effective or when the charges become due and payable;

(e) provide that the charges with respect to a property may, at the option of the owner of the property, be paid in such number, not exceeding ten, of annual instalments as the by-law provides and that on default of payment of any instalment the balance of the charges becomes immediately due and payable;

(f) provide that interest, at a rate and after a date set out in the by-law, is payable annually on the unpaid balance, whether or not the owner has elected to pay by instalment.

(5) Where the Council has made a by-law establishing a wastewater-management district, the Regional Municipality, its servants and agents may enter on any property within the wastewater-management district to repair, upgrade or replace a private wastewater system and may, in accordance with the by-law, charge any or all of the costs to the owners of the property served by the system.

PART ~~XI~~ XII

STORM WATER DRAINAGE

~~174~~176 In this Part,

- (a) "development" has the same meaning as in the *Planning Act*;
- (b) "drainage-management area" means an area within the regional municipality that, by an administrative order of the Council, is designated as a drainage-management area;
- (c) "drainage master plan" means a detailed plan of stormwater run-off and the courses and channels of it, including floodplains, for an entire area of drainage;
- (d) "drainage plan" means a detailed plan of stormwater run-off and the courses and channels of it, including floodplains, for one or more parts of an area of drainage for all lands tributary to or carrying drainage from land that is proposed to be subdivided;
- (e) "grading" means the alteration of land levels, including the addition or removal of topsoil or other material of any kind, and includes any change in land that alters the permeability of the soil;
- (f) "grading plan" means a plan of final grading of land containing the requirements specified by by-law;
- (g) "stormwater" means the excess water running off from the surface of a drainage area;
- (h) "stormwater management" means any means to deal with stormwater.

~~175~~177 (1) The Council may make by-laws

- (a) setting standards and requirements, including informational requirements, respecting stormwater management, with power to require stormwater to be directed to or retained in areas specified in the by-laws;
- (b) setting standards and requirements, including informational requirements, respecting the design, construction and installation of stormwater systems and related services and utilities, with power to provide further criteria for the approval of stormwater systems that do not meet the standards and requirements so set but that would constitute an improvement over an existing stormwater system;
- (c) setting standards and requirements, including informational requirements, respecting drainage master plans, drainage plans and grading plans, with power to describe in the by-law which persons or classes of persons are required to furnish such plans and the circumstances under which the plans are required;

(d) regulating the use and maintenance of public and private stormwater systems;

(e) providing for the protection of public and private stormwater systems;

(f) requiring those persons or classes of persons described in the by-laws to connect stormwater systems to a public stormwater system with power to exempt persons or classes of persons from the requirement, and to describe in the by-law the circumstances under which the Engineer may undertake the work required to make the connection;

(g) enabling the Regional Municipality to charge back to the owner of land on which a stormwater system is located the costs and expenses incurred by the Engineer in connecting that system to the public stormwater system in accordance with a by-law made pursuant to this Section, which charge may be collected in the same manner and with the same rights and remedies as rates and taxes pursuant to the *Assessment Act*;

(h) regulating, controlling or prohibiting the cutting down of trees, movement of topsoil, movement of gravel, movement of earth, alteration of grade of land and blasting of rock in any area designated by by-law;

(i) regulating, controlling or prohibiting and setting standards with respect to drainage;

(j) regulating, controlling or prohibiting grading, with power to set standards and requirements, including informational requirements, to describe when the standards and requirements shall be met, with power to exempt from the by-law those classes of lots described in the by-law;

(k) prohibiting the issuance of any municipal permits or approvals pursuant to a by-law where a by-law pursuant to this Part has not been complied with, with power to prescribe conditions under which, in such cases, the issuance of permits or approvals may be allowed and any conditions that may be attached to them;

(l) regulating, controlling or prohibiting and setting standards with respect to the alteration, diversion, blocking or infilling of stormwater systems.

(2) The Engineer may direct a person to comply with a by-law passed pursuant to this Section and may direct restoration to the original condition where any work is done contrary to the by-law.

176178 Notwithstanding the *Planning Act*, in addition to the powers conferred on the Council by any other enactment, the Council may make by-laws that require a person applying for final approval of a subdivision pursuant to the *Planning Act* to do one or more of the following things before final approval is endorsed on the plan:

(a) either

(i) install such public or private stormwater systems or a combination of both and other related services and utilities as may be required by a by-law made pursuant to this Part, and to direct stormwater to, and to retain stormwater in, those areas specified in a by-law made pursuant to this Part, or

(ii) enter into an agreement with the Regional Municipality to comply with subclause (i) and to maintain any installation that the agreement requires the person applying for final approval to maintain for that period of time, not exceeding one year, prescribed in the by-law, and to provide security satisfactory to the Council to secure performance of the agreement;

(b) provide, at no cost to the Regional Municipality, public or private easements or both for the drainage of stormwater in those circumstances specified in the by-laws either on the land that is proposed to be subdivided or outside the land that is proposed to be subdivided, or both, with power to set out in the by-law the standards and requirements for the easements;

(c) transfer to the Regional Municipality lands and interests in land, including easements, that may be necessary to operate and maintain stormwater systems;

(d) enter into an agreement to carry out any drainage plan or grading plan required by a by-law and to provide security satisfactory to the Council to secure performance of the agreement;

(e) register, pursuant to the *Registry Act*, an agreement that is provided in accordance with a by-law made pursuant to this Act and that affects title to land.

~~177~~**179** The Council may, by administrative order, declare any area of the Regional Municipality to be a drainage management area for the purpose of this Part.

~~178~~**180** (1) The Council may, by by-law, in addition to any other tax that it is authorized to levy

(a) with respect to each lot of land in a drainage management area, levy annually on the owner of that lot a special storm drainage tax;

(b) with respect to each property that is assessed for municipal taxation purposes within a drainage management area, levy annually a special storm drainage tax on the assessed owner of the property.

(2) A tax levied pursuant to subsection (1) is, at the option of the Treasurer, collectable at the same time and by the same proceedings as are rates and taxes pursuant to the *Assessment Act*.

(3) The Council may, by by-law, in addition to any other tax that it is authorized to levy, with respect to each lot of land that is created after April 1, 1996,

as a result of subdividing land, levy on the owner of that lot a special storm drainage tax, and

(a) the tax may be levied when final approval, pursuant to the *Planning Act*, is given to a subdivision that includes the lot with respect to which tax is levied, or where approval is not required pursuant to the *Planning Act*, when the lot is created; and

(b) the Council may, by by-law, exempt from the tax so levied lots and owners of lots of such types, kinds or classes as may be set out in the by-law.

(4) The Council may, by by-law, in addition to any other tax that it is authorized to levy, with respect to each lot of land on which application is made for a development permit to allow, on the lot, a development of a class designated by the Council by by-law, levy on the owner of that lot a special storm drainage tax, and

(a) the tax may be levied at the time the application is made;

(b) the Council may in the by-law provide different rates of tax with respect to different classes of developments; and

(c) the Council may, by by-law, totally or partially exempt persons and land from the tax and may provide for adjustments to be made in taxes by way of credits or otherwise with respect to lots of land or developments where the proposals or applications change in order to reflect the changing nature of lots of land or developments.

(5) A tax levied pursuant to subsection (3) or (4) may, at the option of the owner of the lot with respect to which the tax is levied, be paid in equal annual instalments over a period not exceeding ten years, and

(a) on default in payment of an instalment, the whole balance comes due and payable;

(b) the Council may, by by-law, provide for interest to be charged on each instalment at the rate prescribed in the by-law that imposes the tax on the amount outstanding from the date the tax becomes effective or from the date of payment of the most recent instalment.

(6) For greater certainty, a tax may be levied on the same owner and with respect to the same lot of land pursuant to one or more of the methods authorized by this Section.

(7) A by-law imposing a tax pursuant to this Section may

(a) fix different rates for different areas;

(b) provide that the tax be a uniform charge, or be calculated as so much on the dollar of the assessed value of the property assessed for municipal taxation purposes with respect to which it is levied, upon the area of the lot or the imperviousness of the development or by a combination of two or more such methods of calculating the tax.

(8) The council shall establish a stormwater management fund and the proceeds of all taxes levied pursuant to subsections (3) and (4) shall be paid into and form part of that fund.

(9) The proceeds of all taxes levied pursuant to this Section shall be used for the purpose of paying all or part of the costs of constructing or maintaining stormwater systems or any extension or improvement of them, within drainage management areas, and for preparing, obtaining and maintaining drainage master plans.

~~179~~181 (1) A tax levied pursuant to this Part together with interest

(a) constitutes a first lien upon the lands with respect to which the tax is levied in the same manner and with the same effect as rates and taxes pursuant to the *Assessment Act*; and

(b) is collectable in the same manner and with the same rights and remedies as rates and taxes pursuant to the *Assessment Act*.

(2) Interest is payable on taxes levied pursuant to this Part that are due and payable at the same rate as is determined by the Council for outstanding rates and taxes.

PART ~~XII~~ XIII

DANGEROUS OR UNSIGHTLY PREMISES

~~180~~182 In this Part,

(a) "dangerous or unsightly" means partly demolished, decayed or deteriorated so as to be in a dangerous, unsightly or unhealthful condition, or containing any ashes, junk, cleanings of yards, bodies or parts of automobiles or other vehicles or machinery, or other rubbish or refuse, so as to be dangerous, unsightly, unhealthful or offensive to all or any part of the public, and includes a building or structure that

(i) is in a ruinous or dilapidated condition,

(ii) seriously depreciates the value of land or buildings in the vicinity,

(iii) is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,

(iv) is an allurements to children who may play there to their danger,

(v) constitutes a hazard to the health or safety of the public, or

(vi) is a fire hazard to itself or to surrounding lands or buildings;

(b) "structure" includes any part of a structure.

~~181~~183 (1) Every property within the Regional Municipality shall be maintained so as not to be dangerous or unsightly.

(2) Where a property is dangerous or unsightly, Council, or a standing committee to which this function has been delegated by administrative order, may cause an order to be served on the owner requiring that the condition be remedied by removal, demolition or repair, and specifying in the order what is required to be done.

(3) Before an order is made, not less than ten days' notice shall be given to the owner stating the date, time and place of the meeting at which the order will be considered and that the owner will be given the opportunity to appear and be heard at the meeting before any order is made.

(4) The notice may be served by being posted in a conspicuous place upon the property or may be personally served upon the owner.

~~182~~184 (1) The Regional Municipality may ~~bring an action in~~ apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and an order specifying the work required to be done to remedy the condition.

(2) The court may order any property found to be dangerous or unsightly to be vacated until the condition is remedied.

(3) The court may, where any property is found to be dangerous or unsightly, order that no rent becomes or is payable by any occupants until the condition is remedied.

~~183~~185 (1) A property within the Regional Municipality that is unsafe shall be vacated forthwith upon order of the Administrator.

(2) The Administrator shall post notice that the property is unsafe in a conspicuous place on the property.

(3) The notice shall remain posted until the dangerous condition is remedied.

(4) Any person who removes or renders illegible a notice required by this Section is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars and in default to imprisonment for a period not exceeding ninety days.

~~184~~186 (1) In this Section, "order" means an order made pursuant to this Part.

(2) An order may be served by being posted in a conspicuous place upon the property to which it relates or may be personally served upon the owner of the property.

(3) Where the owner fails to comply with the requirements of an order within thirty days after service upon the owner, the Administrator may enter upon

the property without warrant or other legal process and carry out the work specified in the order.

(4) After the order has been served, any person who aids, assists, permits or causes a dangerous or unsightly condition or who fails to comply with the terms of the order is liable on summary conviction to a penalty of not less than one hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for a period of not more than three months, and every day during which the condition is not remedied is a separate offence.

(5) Where an order requires the demolition or removal of a building, the Administrator may cause the occupants to be removed, using force if required, in order to effect the demolition or removal.

~~185~~187 Where the public safety requires immediate action, the Administrator may forthwith by means of repairs or other temporary protection prevent danger or may remove the dangerous structure or condition.

~~186~~188 (1) The owner of a property shall keep the property free from any accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material.

(2) The owner of a property shall not permit any grass, bush or hedge on the property to become unsightly in relation to neighbouring properties.

(3) The owner of a property shall not permit the property to become unsightly or in a state of disrepair, or permit to remain on any part of the property ashes, junk, cleanings of yards, junk, rubbish, refuse or bodies or parts of automobiles or other vehicles, machinery, or equipment or a dilapidated boat or any thing of any nature whatsoever that by reason of being on the property causes the property to be unsightly or offensive to all or any part of the public.

(4) The owner of a property shall not permit the property to become unsightly in relation to neighbouring properties by reason of the failure to maintain a walkway, driveway or parking area to the standard common to the neighbourhood, or by reason of a lack of ground covering or other surfacing.

(5) The owner of a property shall not permit any building on the property to become unsightly in relation to neighbouring properties by reason of the failure to maintain the exterior finish of the building.

(6) An owner of a property who fails to remove combustible material from the property or to correct an unsightly condition on it within forty-eight hours after receipt of a request from the Administrator to do so is guilty of an offence.

(7) A request may be personally served or may be mailed to the last address of the owner shown on the assessment roll.

(8) Where a person has been requested to remove grass, weeds or other accumulation of combustible material or to correct and repair an unsightly condition and fails to do so, the Administrator may enter upon the property without warrant or other legal process and carry out the work specified in the order.

~~187189~~ Where land has been sold for non-payment of taxes and the period for its redemption has not expired, proceedings may be taken in respect of the repair, removal or destruction of any structure on the land by reason of its condition, and

(a) where the purchaser of the land is the Regional Municipality, any notice required to be given in respect to an order for removal or destruction shall be given to the person who was entitled to receive it immediately prior to the day on which the land was sold; and

(b) where the purchaser of the land is any person other than the Regional Municipality, the notice shall be given to both the person entitled to receive it immediately prior to the day on which the land was sold and the purchaser at the tax sale.

PART ~~XIII~~ XIV

GENERAL

~~188190~~ (1) Where an application for approval of a tentative plan of subdivision is made to the development officer, the development officer, in addition to the powers conferred by the *Planning Act* or any other Act, may refer the application to the Department of the Environment and request that department to review the application and report to the development officer recommending approval or disapproval, and the reasons for the recommendation.

(2) The Council may, by by-law, which by-law does not require the approval of the Minister, specify the cases in which the development officer shall refer an application for subdivision to the Department of the Environment.

(3) Upon receipt of the report, the development officer shall give due consideration to the report before approving or rejecting the application and may grant or refuse the application for a reason given in the report.

(4) Where an application has been referred to the Department of the Environment pursuant to this Section and the Department fails to report to the development officer within four weeks of the referral, the development officer shall proceed as if the referral had not been made.

(5) An appeal lies to the Board from a decision pursuant to this Section refusing to approve a plan of subdivision in the same time, by the same persons and in the same manner as on a refusal to approve a plan of subdivision pursuant to the *Planning Act*, and the Board has the same powers and jurisdiction with respect to the appeal as it has pursuant to the *Planning Act*.

(6) The decision of the development officer shall be upheld by the Board if it determines that the refusal was based on a recommendation of the Department of the Environment and that there were reasonable and probable grounds for the Department of the Environment to make the recommendation.

~~189191~~ (1) Any applicant for an amendment to a land-use by-law, a development agreement or an amendment to a development agreement shall pay to the Regional Municipality an amount estimated by the development officer to be

sufficient to pay the cost of all advertising and service of any notices required in respect of the application.

(2) After the advertising has been completed and the notices have been served, the applicant shall pay to the Regional Municipality any additional amount required to defray the cost of advertising and service of notices or, where there is a surplus, the Regional Municipality shall refund the surplus to the applicant.

~~190~~192 (1) In this Section,

(a) "electrical installation" means the wires, machinery, apparatus, appliances, devices, material and equipment used by a consumer for the receipt, distribution and use of electrical power or energy;

(b) "mobile home park" means any lot, piece or parcel of land upon which two or more occupied mobile homes are located or are intended to be located either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the mobile home park;

(c) "public utility" includes a person, including, without limiting the generality of the foregoing, Nova Scotia Power Incorporated, who owns, operates, manages or controls any plant or equipment for the production, transmission, delivery or furnishing of heat, light or power, either directly or indirectly, to or for the public.

(2) Notwithstanding the *Public Utilities Act*, the *Electrical Installation and Inspection Act* or any other Act, a public utility shall not make in the Regional Municipality a new connection with an electrical installation in a mobile home park or to a mobile home nor supply any electrical power or energy through a connection to a consumer unless and until the consumer has established to the satisfaction of the public utility that all permits required by the Regional Municipality or any board or committee have been issued and are in force with respect to the mobile home park or mobile home in which the electrical installation is located.

~~191~~193 (1) Where a permit has been granted to repair or alter a building and it appears that the repairs or alterations cannot be made without obtaining access to an adjoining property, the Administrator may require the owner and occupants of the adjoining property to permit the permit holder to go upon the adjoining property to effect the repairs or alterations upon such terms and conditions as are prescribed by the Administrator.

(2) The terms and conditions prescribed shall include compensation to the owner of the adjoining property for any damage committed by the permit holder or any person acting on behalf of the permit holder, and the Administrator may require that the permit holder post a bond to guarantee payment of the compensation.

(3) Refusal to permit a permit holder to enter property after the Administrator has required that the permit holder be permitted to enter on the property is an offence.

~~192194~~ (1) Upon receipt of a formal complaint, in writing, made to the Council with respect to the operation of a regional public transportation service from any ten adult persons resident in the area served by the public transportation service, that

- (a) any of the fares, rates, charges or schedules are in any respect unreasonable or unjustly discriminatory;
- (b) any regulation, by-law, measure, practice or act whatsoever, is in any respect unreasonable, insufficient or unjustly discriminatory; or
- (c) the service is inadequate or unobtainable,

the Council shall convene a hearing to consider the complaint within ten days of the filing of the complaint with the Council and, within twenty days of the termination of the hearing, the Council shall render a decision on the complaint and the Council or its duly authorized representative shall advise the complainant forthwith.

(2) Where the complainant is not satisfied with the decision of the Council, the complainant may, within twenty days of receipt of the decision of the Council, file the same complaint with the Board.

(3) Upon receipt of a complaint, the Board shall proceed to make such investigations as it deems necessary or expedient and may

- (a) order or direct the Regional Municipality that rates, fares, charges or schedules be reduced, modified or altered;
- (b) order or direct the Regional Municipality, subject to such conditions as are just, to furnish reasonably adequate service and facilities and make such extensions as may be required;
- (c) give such other order or direction as to the modification or change of regulations, measurements, practices or acts as the justice of the case requires,

but no such order or direction shall be given by the Board except after a public hearing or inquiry.

(4) The Board when called upon to institute an investigation may, in its discretion, require from the complainants the deposit of a reasonable amount of money or other security to cover the costs of the investigation, and the money or security shall be dealt with as the Board directs should the decision be given against the complainants.

(5) The Board shall, prior to formal hearing of the complainant, notify the Regional Municipality that a complaint has been filed and, after reasonable notice has been given, the Board may proceed to set a time and place for a hearing and an investigation as herein provided.

(6) Any order or direction of the Board pursuant to this Section may be revised or rescinded by the Board upon application of any interested party.

(7) In an investigation by the Board made pursuant to this Section, in addition to any other powers or authorities it may have, the Board and each member of the Board has all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*.

(8) Any order or direction of the Board pursuant to this Section may be enforced in the same manner as any order or direction of the Board pursuant to the *Public Utilities Act*.

~~193~~195 Passenger vehicles of the Regional Municipality are subject to inspection as may be required by the Board pursuant to the *Public Utilities Act*, the *Motor Carrier Act* or regulations made pursuant to either of those Acts.

~~194~~196 Except as otherwise provided in this Act, the *Public Utilities Act* does not apply to a public transportation service operated and maintained by the Regional Municipality.

~~195~~197 Any person may kill or destroy any rabid dog or other rabid animal found at large, and may secure and place in confinement all dogs or other animals at large and appearing to be rabid or exhibiting symptoms of canine madness.

~~196~~198 (1) No person shall, without the permission of the owner, deface private property by posting printed or other notices.

(2) No person shall throw or deposit ashes, cleanings, refuse, dirt, filth or ordure on any street or highway or other public place in the Regional Municipality.

(3) No person shall, within the Regional Municipality, buy, sell, keep or have any of the articles commonly known as squibs or firecrackers.

(4) No person shall, within the Regional Municipality, discard, throw away or abandon as refuse any refrigerator, box, case, trunk, strong box, safe or other container the cubic content of which exceeds one cubic foot unless any cover, door, lid and closing or locking device has been removed.

~~197~~199 Every person who makes a false statement in an application for a licence to be issued in accordance with any by-law of the Regional Municipality is guilty of an offence.

~~198~~200 (1) A person who defaces, mutilates or cuts a tree upon property of the Regional Municipality without having first obtained written consent of the Engineer or of the chair of the tree committee, if one has been established, is guilty of an offence.

(2) A person is guilty of a separate offence contrary to subsection (1) for each tree defaced, mutilated or cut.

199201 (1) Where the Council or a standing committee lawfully directs that any matter or thing be done, the Council may, if not less than thirty days' notice has been given to the person so directed, in default of its being done by a person required to do so, cause the matter or thing to be done at the expense of the person in default, and the cost of doing the matter or thing is a first charge upon the lands of the person on which the matter or thing was to be done and may be collected and recovered by the Regional Municipality in the same manner as municipal taxes are recovered.

(2) No action shall be maintained against the Regional Municipality or against any official, agent, servant or employee of the Regional Municipality for any act, matter or thing done under or pursuant to this Section.

200202 Where duties, obligations or liabilities are imposed by law upon any person, or where contracts or agreements are or have heretofore been created, enacted or validated by any statute imposing the duties, obligations or liabilities, the Regional Municipality may, by action

- (a) enforce the duties or obligations and the payment or discharge of the liabilities;
- (b) obtain as complete and full relief; and
- (c) enforce the same remedies,

as could have been obtained and enforced by the Attorney General, had the Attorney General been a party to the action as plaintiff, or as plaintiff upon the relation of any person interested.

201203 Where no other mode of service is prescribed, service of any notice required by this Act on a person may be made by mailing it prepaid and registered to the person at the last address known to the Director of Assessment appointed pursuant to the *Assessment Act*.

202204 (1) If no penalty is specified for the violation of any provision of this Act, anyone who contravenes the provision is guilty of an offence and liable on summary conviction to a fine of not more than five thousand dollars and not less than one hundred dollars and in default of payment to imprisonment for a period not exceeding ninety days.

(2) Every day during which such a contravention continues is a separate offence.

203205 (1) No action shall be brought against the Regional Municipality, or against the Council or any member of the Council, or against any officer or employee of the Regional Municipality, or against any person acting under the authority of the Council, member, officer or employee unless the action is brought within twelve months next after the act complained of was committed.

(2) No such action shall be commenced until one month's previous notice has been served upon the intended defendant or, in the case of an action against the Regional Municipality, upon the Clerk.

(3) In the notice, the cause of action and the court in which it is intended to be brought shall be clearly stated.

(4) The name and place of abode of the person intending to sue, and the name and place of abode or business of that person's solicitor or agent where the notice is served by a solicitor or agent, shall be indorsed upon the notice.

204206 Every action brought by or against the Regional Municipality shall be brought by or against it in its corporate name.

205207 Where notice is authorized or required to be served on the Regional Municipality, whether or not court proceedings have been or will be taken in connection therewith, service on the Clerk is good and valid service of the notice.

206208 (1) In this Section, "water system" means the structures, devices, equipment and appurtenances intended for the collection, transportation, pumping and treatment of water.

(2) The Regional Municipality and its officers and employees are not liable for damages caused, directly or indirectly, by

(a) the operation, maintenance, repair, breaking or malfunction of wastewater facilities or a stormwater system or a water system; or

(b) interference with the supply of water through a water system,

unless the damages are shown to be caused by the negligence of the Regional Municipality or its officers or employees.

(3) The Regional Municipality and its officers and employees are not liable for any damages caused by the discharge of any sewage or water into any premises from a public sewer unless the discharge was caused by the improper construction of the sewer or by neglect in the maintenance of the sewer.

(4) The Regional Municipality and its officers and employees are not liable for any damages caused by the discharge of any sewage or water into any premises from a public sewer where this Act or the by-laws of the Regional Municipality have not been complied with by any owner or previous owner of the property.

207209 Where the Regional Municipality is found liable for damages in consequence of the unsafe condition of any street or sidewalk or of any nuisance or encumbrance on it, the Regional Municipality has a right of indemnity for all such damages and for costs and expenses incurred in connection therewith against any person by whose act or omission the street or sidewalk was unsafe, or which caused the nuisance or encumbrance.

208210 (1) Where the Regional Municipality is found liable for damages in consequence of the unsafe condition of any street, bridge or sidewalk that was transferred to it by Her Majesty in right of the Province, it has a right of indemnity for all such damages and for costs and expenses incurred in connection therewith against Her Majesty.

(2) This Section does not apply to any street, bridge or sidewalk reconstructed or substantially rebuilt or repaired by the Regional Municipality, nor to any street, bridge or sidewalk after ten years from the date on which it was transferred to the Regional Municipality.

209211 Where judgment is given against the Regional Municipality, the amount shall be paid upon order of the Council, without unnecessary delay, if there are funds available for the purpose, otherwise the amount shall be included in the amount to be rated upon the Regional Municipality when the next rate is made and shall be paid out of the first money collected on the rate.

210212 Subsection 36(6) of Chapter 285 of the Revised Statutes, 1989, the *Metropolitan Authority Act*, is amended by striking out "but shall not serve more than four consecutive years" in the second and third lines and substituting "but the Chairman in office on April 4, 1995, may continue in office until March 31, 1996, if a quorum of the Authority so decides".

211213 (1) Section 1 of Chapter 55 of the Acts of 1963, the *Halifax Water Commission Act*, as amended by Chapter 56 of the Acts of 1987, is further amended by adding "Regional" immediately after "Halifax" in the first line.

(2) Section 2 of Chapter 55 is repealed and the following Section substituted:

2 In this Act,

(a) "Board" means the Nova Scotia Utility and Review Board;

(b) "Commission" means the Halifax Regional Water Commission;

(c) "Council" means the Council of the Regional Municipality;

(d) "Regional Municipality" means the Halifax Regional Municipality.

(3) Subsection 4(1) of Chapter 55 is amended by striking out "City" in the second line and substituting "Regional Municipality".

(4) Subsection 4(2) of Chapter 55 is repealed and the following subsection substituted:

(2) One of the four members so appointed shall be a member of the Council and the remaining members shall be residents of the Regional Municipality who are not members of the Council.

(5) Subsection 5(1A) of Chapter 55, as enacted by Chapter 81 of the Acts of 1994, is amended by striking out "neither the Mayor nor an alderman" in the second and third lines and substituting "not a member of the Council".

(6) Subsection 5(2) of Chapter 55 is repealed and the following subsection substituted:

(2) A member of the Council who is appointed to the Commission ceases to be a member of the Commission upon ceasing to be a member of the Council, and any other member of the Commission ceases to be a member upon ceasing to be a resident of the Regional Municipality.

(7) Section 7 of Chapter 55 is amended by striking out "City" in the first, in the sixth and in the tenth lines and substituting in each case "Regional Municipality".

(8) Clause 10(a) of Chapter 55, as enacted by Chapter 78 of the Acts of 1973, is amended by

(a) striking out "City or the Municipality of the County of Halifax" in the third and fourth lines and in the fourth and fifth lines and substituting in each case "Regional Municipality"; and

(b) striking out "Municipality of the County of Halifax" in the ninth and tenth lines and substituting "Regional Municipality".

(9) Clause 10(b) of Chapter 55, as amended by Chapter 73 of the Acts of 1964, is further amended by striking out "City or in the Municipality of the County of Halifax" in the fourth line and substituting "Regional Municipality".

(10) Clause 10(n) of Chapter 55 is repealed and the following clause substituted:

(n) to invoice and collect as agent for the Regional Municipality pollution control charges or other charges of the Regional Municipality related to water consumption and to enter into an agreement with the Regional Municipality respecting the invoicing and collecting of the charges;

(11) Subsection 19(4) of Chapter 55, as amended by Chapter 71 of the Acts of 1975, is further amended by striking out "City" wherever it appears in that subsection and substituting in each case "Regional Municipality".

(12) Subsection 19(5) of Chapter 55, as amended by Chapter 71 of the Acts of 1975 and Chapter 56 of the Acts of 1987, is further amended by

(a) striking out "City of Halifax" in the sixth line and substituting "Halifax Regional Municipality";

(b) adding "Regional" immediately after "Halifax" in the seventh and in the fourteenth lines;

(c) striking out "City" in the twentieth line and substituting "Regional Municipality"; and

(d) striking out "City" in the twenty-third line.

(13) Subsection 19(6) of Chapter 55, as amended by Chapter 71 of the Acts of 1975, is further amended by striking out "City" in the first, in the third and in the fourth lines and substituting in each case "Regional Municipality".

(14) Section 20 of Chapter 55, as amended by Chapter 71 of the Acts of 1975, is further amended by striking out "City" in the second line and substituting "Regional Municipality".

(15) Subsection 22(1) of Chapter 55, as amended by Chapter 71 of the Acts of 1975, is further amended by striking out "City" in the fourteenth and in the fifteenth lines and substituting in each case "Regional Municipality".

(16) Subsection 22(2) of Chapter 55, as amended by Chapter 71 of the Acts of 1975, is further amended by striking out "City" in the third and in the fourth lines and substituting in each case "Regional Municipality".

(17) Section 23 of Chapter 55, as amended by Chapter 71 of the Acts of 1975, is further amended by striking out "City" in the third, in the fourth and in the sixth lines and substituting in each case "Regional Municipality".

(18) Section 24 of Chapter 55, as amended by Chapter 71 of the Acts of 1975, is further amended by striking out "Notwithstanding any provisions of the *Halifax City Charter*, the City" in the first and second lines and substituting "The Regional Municipality".

(19) Subsection 25(5) of Chapter 55, as amended by Chapter 71 of the Acts of 1975, is further amended by striking out "of the City and of the Municipality of the County of Halifax" in the seventh and eighth lines.

~~212~~214 Nothing in this Act dissolves the Halifax Water Commission.

~~213~~215 (1) Section 2 of Chapter 71 of the Acts of 1993, the *Community of Sackville Landfill Compensation Act*, is amended by

(a) striking out clauses (a) and (b) and substituting the following clauses:

(a) "Authority" means the Halifax Regional Municipality;

(b) "Community Council" means the community council of the Halifax Regional Municipality with jurisdiction in a community containing the Community of Sackville and, until a community council is established for a community containing the Community of

Sackville, means the councillors elected from polling districts situate wholly or in part in the Community of Sackville;

and

(b) striking out clauses (f) and (g) and substituting the following clauses:

(f) "Municipality" means the Halifax Regional Municipality;

(g) "participating bodies" means the Halifax Regional Municipality;

(2) Subsection 3(4) of Chapter 71 is amended by striking out "and in accordance with the *Halifax County Charter*" in the fourth line.

~~214216~~ (1) Any Act that applies solely to a municipal unit is repealed effective April 1, 1996.

(2) For greater certainty, the Acts in the Schedule to this Act are repealed effective April 1, 1996.

(3) The Governor in Council may amend the Schedule to this Act and an amendment pursuant to this subsection has effect on and after April 1, 1996.

(4) The exercise by the Governor in Council of the authority in subsection (3) is regulations within the meaning of the *Regulations Act*.

~~215217~~ (1) Sections 3 to 9 have effect on and after April 4, 1995.

(2) Sections ~~211~~ 213 and ~~213~~ 215 have effect on and after April 1, 1996.

SCHEDULE

- (1) Chapter 285 of the Revised Statutes, 1989, the *Metropolitan Authority Act*.
- (2) Chapter 73 of the Acts of 1953, the *Bedford Service Commission Act*.
- (3) Chapter 52 of the Acts of 1963, the *Halifax City Charter*.
- (4) Chapter 58 of the Acts of 1963, the *Directors of Point Pleasant Park Act*.
- (5) Chapter 90 of the Acts of 1966, the *Halifax Superannuation Act*.
- (6) Chapter 92 of the Acts of 1970, the *Halifax Industrial Commission Act*.
- (7) Chapter 43A of the Acts of 1978, the *Dartmouth City Charter*.
- (8) Chapter 73 of the Acts of 1978-79, *An Act Respecting the Incorporation of the Town of Bedford*.
- (9) Chapter 68 of the Acts of 1984, the *Dartmouth Sportsplex Commission Act*.

- (10) Chapter 68 of the Acts of 1986, the *Dartmouth Common Act*.
 - (11) Chapter 58 of the Acts of 1987, the *Bedford By-laws Act*.
 - (12) Chapter 62 of the Acts of 1988, *An Act to Enable the Town of Bedford to Exempt Disabled Persons from Taxation*.
 - (13) Chapter 53 of the Acts of 1990, the *Bedford Municipal Holiday Act*.
 - (14) Chapter 63 of the Acts of 1992, the *Halifax County Charter*.
 - (15) *Halifax City Charter*, brought into force by proclamation of the Governor in Council dated February 28, 1931.
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BILL NO. 3

An Act to Incorporate the Halifax Regional Municipality

1st Reading: April 4, 1995

2nd Reading: April 25, 1995

C.W.H.:

3rd Reading:

**The Honourable Sandra L. Jolly
Minister of Municipal Affairs**

1995
