

BILL NO. 82

(as passed, with amendments)



*2nd Session, 58th General Assembly
Nova Scotia
50 Elizabeth II, 2001*

Government Bill

Municipal Law Amendment (2001) Act (amended)

CHAPTER 35 OF THE ACTS OF 2001

The Honourable Angus MacIsaac
Minister of Service Nova Scotia
and Municipal Relations

[First Reading](#): November 7, 2001 (LINK TO BILL AS INTRODUCED)

Second Reading: November 8, 2001

[Third Reading](#): November 16, 2001 (WITH COMMITTEE AMENDMENTS)

Royal Assent: November 22, 2001



An Act Amend Chapter 18

**of the Acts of 1998,
the Municipal Government Act,
and Amend or Repeal Certain Other Statutes
Relating to Municipal Law**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Municipal Law Amendment (2001) Act*.

PART I

MUNICIPAL GOVERNMENT ACT

2 Section 3 of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, as amended by Chapter 9 of the Acts of 2000 and Chapter 6 of the Acts of 2001, is further amended by

- (a) striking out "or" immediately after subclause (r)(ix);
- (b) striking out the semicolon at the end of subclause (r)(x) and substituting ", or";
- (c) adding immediately after subclause (r)(x) the following subclause:

(xi) that has been excavated or had fill placed on it in a manner that results in a hazard;

and

- (d) adding "or the village" immediately after "municipality" in the first and second lines of clause (ad).

3 Clause 59(b) of Chapter 18 is repealed and the following clauses substituted:

(b) with

(i) the Minister of Community Services or Canada Mortgage and Housing Corporation with respect to housing projects, or

(ii) any body corporate or agency having similar objects to Canada Mortgage and Housing Corporation with respect to projects pursuant to the *National Housing Act (Canada)*;

(c) with the Government of the Province with respect to the development, operation or maintenance of trails on land of Her Majesty in right of the Province.

4 Clause 60(2)(c) of Chapter 18, as amended by Chapter 9 of the Acts of 2000, is further amended by striking out "participating municipality or village" in the fourth and fifth lines and substituting "party to the agreement".

5 Section 65 of Chapter 18 is amended by

(a) adding "including trails developed, operated or maintained pursuant to an agreement made under clause 59(c)" immediately after "trails" in the first line of clause (ag); and

(b) striking out clause (as) and substituting the following clause:

(as) carrying out an agreement with the Minister of Community Services, Canada Mortgage and Housing Corporation or a body corporate or agency made under clause 59(b);

6 (1) Subsection 66(3) of Chapter 18 is amended by

- (a) adding "or village" immediately after "municipality" in the first line;
- (b) striking out "another municipality" in the second line and substituting "a municipality, village or service commission"; and
- (c) striking out "municipality" in the fifth line and substituting "party".

(2) Subsection 66(4) of Chapter 18 is amended by

- (a) striking out the period at the end of clause (c) and substituting a semicolon; and
- (b) adding immediately after clause (c) the following clauses:
 - (d) to carry out an agreement made pursuant to clause 59(c);
 - (e) for the purpose of making a loan to a registered fire department or registered emergency services provider.

7 Subsection 71(5) of Chapter 18 is amended by adding "or the fire protection rate" immediately after "rates" in the second line.

8 Subsection 80(2) of Chapter 18 is amended by adding ", unless exempted by by-law" immediately after "rate" in the third line.

9 Section 81 of Chapter 18 is amended by adding immediately after subsection (6) the following subsection:

(7) Notwithstanding the *Public Utilities Act* and for greater certainty, any by-law made pursuant to this Section and any charge imposed or fixed pursuant to this Section do not require approval by the Board.

10 Subsection 88(2) of Chapter 18 is amended by striking out "does" in the first line and substituting "and subsection 438(2) do".

11 (1) Subsection 144(1) of Chapter 18 is repealed.

(2) Subsection 144(2) of Chapter 18 is amended by

- (a) striking out "or" immediately after clause (a);
- (b) striking out the comma at the end of clause (b) and substituting a semicolon;
- (c) adding immediately after clause (b) the following clauses:
 - (c) spouse of a person referred to in clause (a) or (b); or
 - (d) company in which a person referred to in clause (a), (b) or (c) owns or beneficially owns the majority of the issued and outstanding shares,

and

(d) striking out "or have an interest in the purchase" in the second last and last lines and substituting "either directly or through an agent".

(3) Subsection 144(3) of Chapter 18 is amended by striking out "forfeits the person's office or employment, as the case may be, and" in the first, second and third lines.

(4) Section 144 of Chapter 18 is further amended by adding immediately after subsection (3) the following subsection:

(4) Where there is a conviction pursuant to subsection (3), the relevant person referred to in clause (2)(a) or (b) forfeits their office or employment, as the case may be.

12 Clause 251(1)(e) of Chapter 18 is amended by adding "or concept plan" immediately after "subdivision" in the third line.

13 Subsection 264(1) of Chapter 18 is amended by adding "or take such remedial action as is considered necessary to correct a breach of the development agreement, including the removal or destruction of any thing that contravenes the terms of a development agreement" immediately after "agreement" in the fourth line.

14 Section 271 of Chapter 18, as amended by Chapter 6 of the Acts of 2001, is further amended by adding immediately after subsection (9) the following subsection:

(10) Notwithstanding the *Public Utilities Act* and for greater certainty, any by-law made pursuant to this Section and any transfer, bond, security, cost, charge or requirement, fixed or imposed pursuant to this Section, do not require approval by the Board.

15 Section 274 of Chapter 18 is amended by adding immediately after subsection (9) the following subsection:

(10) Notwithstanding the *Public Utilities Act* and for greater certainty, any by-law made pursuant to this Section and any charge set, levied or imposed pursuant to this Section do not require the approval of the Board.

16 Subsection 278(1) of Chapter 18 is amended by striking out "An" in the first line and substituting "Subject to Section 283, an".

17 Clause 283(c) of Chapter 18 is amended by

(a) striking out "to be constructed" in the first line and substituting "required by the subdivision by-law at the time of approval of the tentative plan";

(b) adding "any municipal service has been" immediately after "and" in the second line; and

(c) striking out "them" in the fourth line and substituting "the service".

18 Subsection 329(1) of Chapter 18 is amended by adding "or village commission" immediately after "council" in the third line.

19 (1) Subsection 333(1) of Chapter 18 is amended by

(a) adding "or a village" immediately after "municipality" in the second and third lines and in the fifth line;

(b) adding "or village commission" immediately after "council" in the second line of clause (a);

(c) adding "or village commission" immediately after "council" in the fourth line of clause (h);

(d) adding "or village commission" immediately after "council" in the third line of clause (j);

(e) adding "or village commission" immediately after "council" in the third line of clause (k); and

(f) adding "or village commission" immediately after "council" in the fourth line of clause (l).

(2) Subsection 333(2) of Chapter 18 is amended by adding "or village commission" immediately after "council" in the first line.

20 Subsection 334(1) of Chapter 18 is amended by adding "or the village" immediately after "municipality" in the third line.

21 (1) Subsection 337(3) of Chapter 18 is amended by striking out "The" in the first line and substituting "If required by the engineer, the".

(2) Subsection 337(4) of Chapter 18 is amended by adding "or the village" immediately after "municipality" in the second line.

22 (1) Subsection 348(3) of Chapter 18 is amended by striking out "thirty days after service" in the second line and substituting "the time specified in the order".

(2) Section 348 is further amended by adding immediately after subsection (3) the following subsection:

(3A) An order shall allow at least thirty days after service in which to comply with its requirements, except where the order declares the condition of the property to be dangerous, in which case the order may specify a shorter time period.

23 Subsection 362(5) of Chapter 18 is repealed.

24 Section 411 of Chapter 18 is amended by adding immediately after subsection (1) the following subsection:

(1A) Notwithstanding subsection (1), a vacancy need not be filled until the next annual meeting or the election held in accordance with the nomination and election by-laws of the village immediately following the next annual meeting if it occurs within six months of the next annual meeting unless the Minister or the village commission determines otherwise.

25 (1) Subsection 503(1) of Chapter 18 is amended by adding ", village commission" immediately after "council" in the fifth line.

(2) Subsection 503(2) of Chapter 18 is amended by

(a) adding ", a village" immediately after "municipality" in the second line; and

(b) adding "or the village" immediately after "municipality" in the second and third lines.

26 (1) Subsection 504(1) of Chapter 18 is amended by

(a) adding "or a village" immediately after "municipality" in the first line; and

(b) adding "or the village" immediately after "municipality" each time it occurs in the third, in the sixth and in the eighth lines.

(2) Clause 504(2)(b) of Chapter 18 is amended by adding "or the village" immediately after "municipality" in the first line.

(3) Subsection 504(3) of Chapter 18 is amended by adding "or a village" immediately after "municipality" in the second line.

(4) Subsection 504(4) of Chapter 18 is amended by

(a) adding "or a village" immediately after "municipality" in the first line; and

(b) adding "or the village" immediately after "municipality" in the fourth line.

27 Section 507 of Chapter 18 is amended by adding ", or by the village commission, by by-law" immediately after

"policy" in the fifth line.

28 Chapter 18 is further amended by adding immediately after Section 536 the following Section:

536A Notwithstanding subsection 45(7), the pension plan adopted by the Halifax Regional Municipality pursuant to that Section may provide for increases in the pensions not exceeding the lesser of six per cent per year and the percentage increase in the cost of living as measured by the change in the Consumer Price Index for Canada prepared by Statistics Canada in the years since each such pension became payable, net of any increases previously provided.

PART II

MUNICIPAL GRANTS ACT

29 Subsection 14(1) of Chapter 302 of the Revised Statutes, 1989, the *Municipal Grants Act*, is amended by

(a) striking out "and" at the end of clause (c);

(b) striking out the period at the end of clause (d) and substituting "; and"; and

(c) adding immediately after clause (d) the following clause:

(e) the assessed value of property of a named registered Canadian charitable organization or a non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization if exempted by municipal by-law, to the extent and under conditions set out in the by-law, if the by-law is provided to the Minister by September 1st of the year to which the by-law relates or such later date as the Minister permits.

PART III

PUBLIC UTILITIES ACT

30 Section 35 of Chapter 380 of the Revised Statutes, 1989, the *Public Utilities Act*, is amended by striking out "five" in the fifth line and substituting "twenty-five".

PART IV

SHOPPING CENTRE DEVELOPMENT ACT

31 Chapter 427 of the Revised Statutes, 1989, the *Shopping Centre Development Act*, is repealed.

PART V

EFFECTIVE DATE

32 Section 31 comes into force on such day as the Governor in Council orders and declares by proclamation.

