



BILL NO. 67

Government Bill

*2nd Session, 61st General Assembly
Nova Scotia
59 Elizabeth II, 2010*

An Act to Amend Chapter 39 of the Acts of 2008, the Halifax Regional Municipality Charter

CHAPTER 16
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 11, 2010**

The Honourable Ramona Jennex
Minister of Service Nova Scotia and Municipal Relations

*Halifax, Nova Scotia
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**An Act to Amend Chapter 39
of the Acts of 2008,
the Halifax Regional Municipality Charter**

Be it enacted by the Governor and Assembly as follows:

1 Section 3 of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, is amended by adding immediately after clause (n) the following clause:

(na) “conservation property” has the same meaning as in the *Assessment Act*;

2 Subsection 30(4) of Chapter 39 is amended by striking out “minor” in the second line.

3 Chapter 39 is further amended by adding immediately after Section 98 the following Section:

98A (1) The Minister of Environment shall in each year pay to the Municipality in respect of conservation property exempt from taxation situate therein a grant equal to the amount that would have been due and payable to the Municipality had each conservation property in the Municipality continued to be classified as it was immediately before becoming conservation property.

(2) Notwithstanding anything in this Act or any other Act of the Legislature authorizing a tax on the assessed value of property, no change in use tax is payable by reason of a property becoming conservation property.

(3) Where any land, or part thereof, to which this Section applies, ceases to be conservation property, a change in use tax, determined by the assessor pursuant to the *Assessment Act*, equal to twenty per cent of the value of the land, or part thereof, that ceased to be conservation property is due and payable to the Municipality by the person determined by the assessor to have been responsible for the change in use.

(4) Notwithstanding subsection (3), no change in use tax is payable by reason of the ownership of conservation property being transferred to Her Majesty in right of the Province or Canada or to a municipality.

4 (1) Subsection 190(2) of Chapter 39 is amended by adding “in serviced areas” immediately after “permit” in the last line.

(2) Subsection 190(3) of Chapter 39 is repealed and the following subsections substituted:

(3) Subsection (2) does not apply to land used for agricultural or forestry purposes.

(4) The Council may make by-laws, for municipal purposes, establishing watercourse buffer zones in which existing trees or vegetation must be retained or only removed pursuant to a municipal permit.

5 Subsection 235(4) of Chapter 39 is amended by

- (a) striking out “minimum” in the first line of clause (a); and**
- (b) striking out “maximum” in clause (h).**

6 Subsection 281(3) of Chapter 39 is amended by adding immediately after clause (j) the following clauses:

(ja) with respect to subdivision applications that are located outside the serviced area as that term is defined in Section 190 and that are for the creation of ten or more lots, requirements for hydrogeological impact assessments including an evaluation of the quality, quantity and sustainability of water supply within the proposed subdivision and an evaluation of the cumulative impacts on water supplies outside of the proposed subdivision;

(jb) in areas where hydrogeological impact assessments are required, water supply standards that must be met before a subdivision can be approved, for quantity, sustainability of water supply and for the cumulative impact on water supplies outside of the proposed subdivision;

7 Section 323 of Chapter 39 is amended by

- (a) striking out “(1)” in the first line; and**
- (b) striking out “buildings” in the second line of clause (a) and substituting “properties, including buildings, and other locations”.**

8 (1) Subsection 331(1) of Chapter 39 is amended by adding “or remove or alter a fence” immediately after “vegetation” in the second line.

(2) Subsection 331(2) of Chapter 39 is amended by

- (a) adding “or remove or alter a fence” immediately after “vegetation” in the second and third lines; and**
- (b) adding “or the fence to be removed or altered, as the case may be” immediately after “trimmed” in the third line.**

9 Chapter 39 is further amended by adding immediately after Section 370 the following Section:

370A Notwithstanding the *Summary Proceedings Act*, the limitation period for the prosecution of an offence under a land-use by-law or a development agreement is two years from the date of the commission of the alleged offence.

10 Sections 1 and 3 have effect on and after February 17, 2009.