



BILL NO. 62

Government Bill

*3rd Session, 61st General Assembly
Nova Scotia
60 Elizabeth II, 2011*

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

CHAPTER 16
ACTS OF 2011

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
MAY 19, 2011**

The Honourable Darrell E. Dexter
President of the Executive Council

*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1 Section 66 of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, is repealed and the following Section substituted:

66 (1) In this Section, “Dartmouth Common” means the properties as identified by the PID numbers 00023267, 00045831, 00082628, 00082776, 00109280, 00109298, 00109561, 00109744, 00109769, 00109777, 00109819, 00109942, 00109959, 00109967, 00109975, 00109983, 00109991, 00110007, 00130013, 00130070, 00175182, 40506867, 40611667, 40847014 and 41339649 and such other properties as determined by the regulations made pursuant to subsection (8).

(2) The Dartmouth Common is held by the Municipality in trust for the inhabitants of the Municipality.

(3) The Municipality may not

- (a) sell, lease, license or otherwise alienate the Dartmouth Common;
- (b) build, improve or expand parking facilities on the Dartmouth Common without the approval of the Governor in Council; or
- (c) subject to subsections (4), (5) and (7), build, expand or change the use of any building or structure on the Dartmouth Common without the approval of the Governor in Council.

(4) The Municipality may, on the Dartmouth Common,

- (a) create or improve park spaces;
- (b) install or improve open-air recreational facilities or equipment such as playgrounds and sports grounds;
- (c) install or improve park maintenance and support structures;
- (d) create or improve public botanical gardens;
- (e) install or improve monuments, fountains or gazebos;
- (f) create or improve interpretive centres;
- (g) create or improve accessory structures such as washrooms, dugouts or change rooms, but not including parking facilities; and
- (h) maintain or improve existing cemeteries,

and regulate activities on the Dartmouth Common, including by the issuing of permits.

(5) The Municipality may build, expand or improve public transit facilities on that part of the Dartmouth Common adjacent to Nantucket Avenue and not exceeding six acres, but any part of the six acres not required for public transit facilities reverts to public open space.

(6) The Municipality's activities, including planning, development and activities pursuant to this Section, on the Dartmouth Common and any activities permitted by the Municipality on the Dartmouth Common must be consistent with the following objectives:

- (a) public access: access for all;
- (b) connectivity: visual and physical continuity between open spaces and built elements;
- (c) pedestrian priority: safe and comfortable pedestrian circulation;
- (d) collaboration: the Municipality shall work collaboratively with the federal and Provincial governments and with the community; and
- (e) open space stewardship: protecting natural, historical and recreational open space to ensure public enjoyment and community character.

(7) A building or structure on the Dartmouth Common used at the time of the coming into force of this Section for a purpose not permitted by this Section may continue to be used for that purpose but no change in the use of that building or structure may be made unless approved by the Governor in Council and, when the building or structure is no longer required for that purpose and the Governor in Council has not approved its use for another purpose, the land occupied by that building or structure must revert to public open space.

(8) Notwithstanding anything in this Section, the Governor in Council may make regulations

- (a) determining additional properties to be included as part of the Dartmouth Common;
- (b) controlling, limiting or prohibiting any activity referred to in clause (3)(b) or subsection (4) or (5).

(9) The exercise by the Governor in Council of the authority contained in subsection (8) is regulations within the meaning of the *Regulations Act*.
