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N.S. Reg. 145/2004

Made: April 30, 2004

Filed: May 3, 2004

Children and Family Services Regulations

Order in Council 2004-197 dated April 30, 2004
 Amendment to regulations made by the Governor in Council
 pursuant to clause 99(1)(ag) of the *Children and Family Services Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated April 1, 2004, and pursuant to clause 99(1)(ag) of Chapter 5 of the Acts of Nova Scotia, 1990, the *Children and Family Services Act*, is pleased to amend the *Children and Family Services Regulations* made by the Governor in Council by Order in Council 91-954 dated August 15, 1991, to define “five days” for the purpose of subsection 55(1) of the Act, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after April 30, 2004.

Schedule “A”
**Amendments to the *Children And Family Services Regulations* made by
 the Governor in Council pursuant to Section 99 of
 Chapter 5 of the Acts of Nova Scotia, 1990,
 the *Children and Family Services Act***

- 1 (1) Section 35A of the *Children and Family Services Regulations* made by the Governor in Council by Order in Council 91-954 dated August 15, 1991, is renumbered as subsection 35A(1).
- (2) Section 35A of the regulations is further amended by adding the following subsection immediately after subsection (1):
 - (2) For the purpose of subsection 55(1) of the Act, “five days” means 5 weekdays and does not include the day of issuance of a secure treatment certificate, Saturday, a holiday or any other day when the applicable justice centre is closed for business.
- 2 Form XVI of the regulations is amended by striking out the following sentences:

“This certificate authorizes any person to confine the child in a secure treatment facility from _____ to _____.
 (date) (date)
 (Not to exceed 5 days - Section 55 of the Act)”

and substituting the following sentences:

“This certificate authorizes any person to confine the child in a secure treatment facility from _____ to _____.
 (date of issuance of certificate) (date)”

(Not to exceed 5 days, which is defined in subsection 35A(2) of the *Children and Family Services Regulations* as 5 weekdays, not including the day of issuance, Saturday, a holiday or any other day when the applicable justice centre is closed for business.)”

N.S. Reg. 146/2004

Made: April 13, 2004

Filed: May 3, 2004

Polling Districts Order: Municipality of the County of Kings

Order dated April 13, 2004
made by the Nova Scotia Utility and Review Board
pursuant to Section 368 of the *Municipal Government Act*

ORDER**NSUARB-MB-02-03****NOVA SCOTIA UTILITY AND REVIEW BOARD****IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT****- and -**

IN THE MATTER OF AN APPLICATION by **CERTAIN ELECTORS OF THE MUNICIPALITY OF THE COUNTY OF KINGS** to reduce the number of councillors and the number of polling districts from 12 to 8

BEFORE: Roland A. Deveau**ORDER**

The Board having heard an application by **Certain Electors of the Municipality of the County of Kings** to reduce the number of councillors and the number of polling districts from 12 to 8 pursuant to **s. 368** of the **Municipal Government Act**, and the Board having issued its supplementary decision on April 13, 2004;

IT IS HEREBY ORDERED that the application is approved in part as follows:

1. The number of polling districts for the **Municipality of the County of Kings** is set at eleven (11);
2. The boundaries of Polling Districts 6 and 8 are amended;
3. Polling District 7 is eliminated;
4. The number of councillors is set at eleven (11);
5. The description of the boundaries of Polling Districts 6 and 8 are set out in Schedule "A", attached to and forming part of this Order.

AND IT IS FURTHER ORDERED that all provisions of the **Municipal Government Act** and the **Municipal Elections Act** and any other acts of the Province of Nova Scotia applying to the preparation for and holding of the regular election of councillors of the Municipality in the year 2004 will be complied with as if the above-noted changes had been made on the first day of March, 2004, but for all other purposes, such changes shall take effect on the first day of the first meeting of the Council after the election of councillors for the year 2004.

DATED at Halifax, Nova Scotia this 13th day of April, 2004.

Sgd: *Elaine Wagner*
Elaine Wagner, Clerk of the Board

Schedule "A"**Municipality of the County of Kings****Polling District 6**

Beginning at a point of intersection of Highway No. 1 and the Annapolis County line;

Thence easterly by the centre line of Highway No. 1 to Greenwood Road;

Thence southerly by the centre line of Greenwood Road and following a straight projection through CFB Greenwood to the intersection of Highway 201 and Greenwood Road;

Thence easterly by the centre line of Highway 201 and Hall Road until it intersects with to the Victoria Road;

Thence southerly by the centre line of said Victoria Road to the intersection with the Harmony Road at Nicholsville;

Thence in a westerly direction following the centre line of Harmony Road to the point where it is joined from the south by the Johnson Pond Road;

Thence in a southerly direction following the centre line of the Johnson Pond [Road] and continuing in a southerly direction following the southerly prolongation of the Johnson Pond Road to the intersection of [with] the extension of the Horton-Cornwallis township line;

Thence westerly along the said township line extension to the Annapolis County line;

Thence northerly following the Annapolis County line to its intersection with Highway No. 1 and the place of beginning.

Polling District 8

Beginning at the intersection of the Victoria Road and Highway No. 101;

Thence easterly by the centre line of Highway No. 101 to the intersection with the Shaw Road;

Thence southerly by the centre line of the Shaw Road to the Cornwallis River;

Thence easterly by the Cornwallis River to the intersection with a northerly prolongation of the Rafuse Road;

Thence southerly following the northerly prolongation of the Rafuse Road and the centre line of the Rafuse Road to the centre line of Highway No. 1;

Thence southwesterly following the centre line of Highway No. 1 to the Bond Road;

Thence southerly following the centre line of the Bond Road to the intersection with the Prospect Road;

Thence westerly and southerly by the centre line of said Prospect Road to a point where the Prospect Road turns west;

Thence southerly by the prolongation of said Prospect Road beyond the Old Canaan Road, until the prolongation intersects with the Horton-Cornwallis township line;

Thence westerly by the said township line to the Aylesford-Horton township line;

Thence southerly by the Aylesford-Horton township line to the Lunenburg County Line;

Thence westerly by the Lunenburg County line to the Annapolis County line;

Thence northerly by the Annapolis County line to the point of intersection with the westerly projection of the Horton-Cornwallis township line;

Thence easterly by the extension of the Horton-Cornwallis township line until the intersection with the southerly prolongation of the Johnson Pond Road (intersection is just north of Boot Lake);

Thence northerly following the said southerly prolongation of the Johnson Pond Road, and the centre line of the Johnson Pond Road, to the Harmony Road;

Thence easterly following the centre line of the Harmony Road to the intersection of the Harmony Road with the Victoria Road at Nicholville;

Thence northerly following the centre line of the Victoria [Road] to the intersection with the Hall Road;

Thence westerly by the centre line of Hall Road and Highway 201 until it intersects with the Greenwood Road;

Thence northerly by the centre line of Greenwood Road and following a straight projection through CFB Greenwood to the intersection of Highway 1 and Greenwood Road;

Thence easterly along the centre line of Highway 1 until it intersects with the Victoria Road;

Thence northerly along the centre line of Victoria Road to the intersection with Highway No. 101, at the place of beginning.

Excluding the Town of Berwick.

N.S. Reg. 147/2004

Made: May 4, 2004

Filed: May 5, 2004

Standard Expenditure per Dwelling Unit (2004-2005) Regulations

Order dated May 4, 2004

Regulations made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 11 of the *Municipal Grants Act***Regulation made by the Minister of Service Nova Scotia and
Municipal Relations pursuant to Section 11 of Chapter 302 of the Revised
Statutes of Nova Scotia, 1989, the *Municipal Grants Act*****Standard Expenditure per Dwelling Unit**

1. The standard expenditure per dwelling unit for the purpose of calculating the grant referred to in Section 11 of the *Municipal Grants Act*, for the 2004-2005 fiscal year, shall be as follows:

CLASS	I	II
Standard Expenditure	1035	400

Sgd: *Barry Barnet*

Honourable Barry Barnet

Minister of Service Nova Scotia and Municipal Relations

Halifax, Nova Scotia

May 4, 2004

N.S. Reg. 148/2004 to 149/2004

Made: May 3, 2004

Filed: May 6, 2004

French Mill Brook Watershed Protected Water Area Designation and
French Mill Brook Watershed Protected Water Area Regulations

Order dated May 3, 2004

made by the Minister of Environment and Labour
pursuant to Section 106 of the *Environment Act*In the Matter of: the *Environment Act*, S.N.S. 1994-95, c.1, s.106In the Matter of: the designation of an area surrounding French Mill Brook, Hants County, as a Protected
Water Area, to be known as the "French Mill Brook Watershed Protected Water Area"**Designation of the French Mill Brook Watershed Protected Water Area and the Making of Regulations
with Respect Thereto****Whereas** on March 23, 1983 the Minister of the Environment, at the request of the Municipality of the District
of West Hants, operator of the water supply and water works for Falmouth, and pursuant to Section 17 of the

Water Act (c. 335, RSNS, 1967 as amended) designated by Order, an area surrounding French Mill Brook, Hants County, as a Protected Water Area;

Whereas the French Mill Brook watershed designation and regulations governing activities in the Protected Water Area were published in the Royal Gazette [Part I] on April 6, 1983 pursuant to section 17(3) of the *Water Act*;

Whereas Section 106 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, provides for the designation by the Minister of Environment and Labour of a protected water area and the making of regulations under subsection (6) to prohibit, regulate or require the doing of any act or acts in a protected water area that may impair or prevent the impairment, as the case may be, of the quality of the water in the Protected Water Area;

Whereas subsection 106(5) of the *Environment Act* states that any protected water area designated pursuant to the *Water Act*, prior to the coming into force of the *Environment Act* remains so designated;

Whereas protected water area designations and regulations are to be filed and published pursuant to Sections 3 and 4 of the *Regulations Act*, and the French Mill Brook watershed designation and regulations have not been filed to date;

Therefore pursuant to Section 106 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, the undersigned, Kerry Morash, Minister of Environment and Labour hereby

- (a) ratifies the French Mill Brook Watershed Protected Water Area designation made March 23, 1983 pursuant to subsection 17(1) of the *Water Act*, and confirms that the designated area described in Schedule "A" remains so designated;
- (b) repeals regulations made March 23, 1983 pursuant to subsection 17(2) of the *Water Act* and makes regulations respecting activities in the French Mill Brook Watershed Protected Water Area, in the form set forth in Schedule "B"; and
- (c) on behalf of the Municipality of the District of West Hants, operator of the Falmouth water works, directs the Department of Environment and Labour to file the French Mill Brook Watershed Protected Water Area designation and regulations with the Registrar of Regulations pursuant to the *Regulations Act*.

Sgd: *K. Morash*
Honourable Kerry Morash
Minister of Environment and Labour

Halifax, Nova Scotia May 3, 2004

N.S. Reg. 148/2004

French Mill Brook Watershed Protected Water Area Designation

Schedule "A"

French Mill Brook Watershed Protected Water Area Boundary Description

All those lands situate in the Township of Falmouth and wholly within the County of Hants, Province of Nova Scotia, comprising an approximate area of Two Thousand Eight Hundred and Fourteen acres according to a Plan prepared the 29th day of April, A.D., 1974, and recorded at the Registry of Deeds for Hants County on 23rd day of April, A.D., 1975 as Plan No. P-1005, said Plan being amended and filed at the Registry of Deeds for Hants County on the 7th day of December, A.D., 1982 as Plan No. P-3742, and being more particularly described as follows:

BEGINNING at a point, said point being an iron stake marking the southeastern corner of lands of the Municipality of the District of West Hants and the northern corner of lands of Bernard Curry and a western corner of lands of T. Mouris, as shown on said plan of survey;

THENCE on a bearing north nine degrees fifty-four minutes west a distance of two hundred and fifty-five feet to a point;

THENCE on a bearing north twenty-seven degrees west a distance of three thousand three hundred and sixty-two feet to a point;

THENCE on a bearing north five degrees fifty minutes east a distance of nine hundred and twenty-three feet to a point;

THENCE on a bearing north twenty-seven degrees thirty minutes west a distance of five thousand one hundred and one feet to a point;

THENCE on a bearing south sixty-eight degrees west along the old base line a distance of eighteen thousand and ninety-six feet to a ~~pint~~ [point];

THENCE on a bearing south twenty-two degrees east a distance of five thousand one hundred and thirty-seven feet to a point;

THENCE on a bearing north sixty-eight degrees east a distance of six thousand two hundred and ten feet to a point;

THENCE on a bearing north eighty-three degrees twenty minutes east a distance of five thousand nine hundred and fifty-five feet to a point;

THENCE on a bearing south sixty-eight degrees forty minutes east a distance of two thousand nine hundred and thirty-six feet to a point;

THENCE on a bearing north eighty-three degrees twenty minutes east a distance of three thousand two hundred feet to an iron stake;

THENCE along the center line of the Eldridge Settlement Road in a southeasterly direction a distance of one thousand and fifteen feet more or less to a point;

THENCE on a bearing north thirty-nine degrees eleven minutes east a distance of six hundred and six feet more or less to a point;

THENCE on a bearing north twenty-eight degrees zero six minutes east a distance of five hundred and sixty-five feet to a maple tree;

THENCE on a bearing north forty-nine degrees seventeen minutes west a distance of four hundred and five feet to the place of beginning.

N.S. Reg. 149/2004

French Mill Brook Watershed Protected Water Area Regulations

Schedule "B"**Regulations Respecting Activities in the French Mill Brook Watershed Protected Water Area made by the Minister of Environment and Labour pursuant to subsection 106(6) of Chapter 1 of the Acts of 1994-95, the *Environment Act*****Citation**

1 These regulations may be cited as the *French Mill Brook Watershed Protected Water Area Regulations*.

Interpretation

2 In these regulations,

- (a) "Act" means the *Environment Act*;
- (b) "Department" means the Department of Environment and Labour;
- (c) "forestry operation" means any activity related to the use of a forest for producing timber, wood fiber or Christmas trees, including but not limited to the following activities:
 - (i) forest management planning,
 - (ii) silviculture,
 - (iii) harvesting,
 - (iv) protection,
 - (v) road construction, and
 - (vi) operation, storage and use of equipment and supplies used in any aspect of the activity;
- (d) "pesticide" or "pest control product" has the same meaning as set out in clause 2(q) of the *Pesticide Regulations* made under the Act;
- (e) "Protected Water Area" means the land and water designated by the Minister pursuant to subsection 106(1) of the Act as the French Mill Brook Watershed Protected Water Area, as described in Schedule "A" to the designation;
- (f) "release" means to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place, drain, pump or exhaust;
- (g) "Water Works Operator" means the Municipality of the District of West Hants, operator of the Falmouth Water Treatment Plant;

Posting of signs

- 3 (1) The Water Works Operator must post signs around the perimeter of the Protected Water Area to provide notice to the general public of the designation of the Protected Water Area.
- (2) The Water Works Operator must replace any signs posted under subsection (1) that have been damaged or removed.
- (3) The Water Works Operator must take reasonable measures to advertise and provide notice to the general public of these regulations.

- (4) No person is permitted to remove or alter any sign, notice or advertisement posted pursuant to this Section.

Prohibition on release of substance

- 4 (1) No person is permitted to release or cause or permit the release of oil, petroleum products, soap, detergent, toxic chemicals, pest control product waste, garbage, litter, solid or liquid waste, or any other material that causes or may cause an adverse effect within the Protected Water Area.
- (2) A person who is using mechanical equipment or transporting gasoline or oil within the Protected Water Area is not permitted to release, and must take precautions to prevent the release of, a petroleum product onto the ground or into a watercourse or the runoff from the area.

Prohibition on landfills

- 5 No person is permitted to establish a landfill, refuse dump, incinerator or waste disposal site within the Protected Water Area.

Restricted activities

- 6 (1) No person is permitted to swim, bathe, wash, or cut ice at any time in any watercourse within the Protected Water Area.
- (2) No person is permitted to fish in the Protected Water Area.
- (3) No person is permitted to skate or operate a snowmobile or other off-highway vehicle on the reservoir ice.
- (4) No person is permitted to, at any time, operate a vessel of any kind, on, through or over French Mill Brook reservoir, unless authorized by the Water Works Operator for the protection of the Protected Water Area.
- (5) No person is permitted to wash a vehicle or mechanical equipment in any watercourse or carry out normal maintenance of equipment within 65 m of the shoreline or bank of any watercourse within the Protected Water Area.

Pest control products

- 7 No person is permitted to apply or use pest control products, except those for normal domestic use, within the Protected Water Area unless approved by the Water Works Operator.

Forestry operations

- 8 No person is permitted to construct forest access roads or conduct commercial forest operations without first obtaining written approval of plans from the Water Works Operator. "Commercial forest operation" means an operation involving the cutting or felling of trees for primary forest products but does not include
- (a) the cutting or felling of trees for fuel wood; or
- (b) an operation by a proprietor or wood lot owner who employs not more than two helpers in a cutting operation of less than twenty-five thousand feet board measure or fifty cords or an equivalent volume by any other method of measurement on his own wood lot or farm in any calendar year.
- 9 (1) No person is permitted to clearcut forest land within sixty-five metres of the bank of any lake, river, stream, spring or pond or any other watercourse within the Protected Water Area.

- (2) Despite subsection (1), selective cutting of mature trees may be undertaken within the sixty-five metre boundary provided that the Water Works Operator has been notified of the commencement date of this activity and approval has been granted. Approval may include time restrictions on forestry operations and directions for sediment control on any disturbed land.

Watercourse setbacks

- 10** No person is permitted to pile or accumulate agricultural refuse or farm waste and wood processing waste (i.e. sawdust, bark, chips, shavings) within six hundred and fifty metres of the bank of the French Mill Brook reservoir or within sixty-five metres of the bank of any lake, river, stream, spring or pond or any other watercourse within the Protected Water Area.

Easement restriction

- 11** No person is permitted to construct a road, pipeline, railway, telephone line, power line or other similar development or grant an easement on, over or across the Protected Water Area, without first obtaining the written approval of the Water Works Operator.

Gravel and mineral excavation

- 12** No person is permitted to operate or use any pit, mine or quarry for extraction of gravel, rock or minerals within the Protected Water Area without first obtaining
- (a) written approval from the Water Works Operator; and
 - (b) an approval from the Department.