



# **BILL NO. 70**

*Government Bill*

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*1st Session, 59th General Assembly  
Nova Scotia  
53 Elizabeth II, 2004*

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**An Act to Amend Chapter 18  
of the Acts of 1998,  
the Municipal Government Act,  
Chapter 300 of the Revised Statutes, 1989,  
the Municipal Elections Act, and  
Chapter 302 of the Revised Statutes, 1989,  
the Municipal Grants Act**

CHAPTER 7  
ACTS OF 2004

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
MAY 20, 2004**

The Honourable Barry Barnet  
*Minister of Service Nova Scotia and Municipal Relations*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 18  
of the Acts of 1998,  
the Municipal Government Act,  
Chapter 300 of the Revised Statutes, 1989,  
the Municipal Elections Act, and  
Chapter 302 of the Revised Statutes, 1989,  
the Municipal Grants Act**

Be it enacted by the Governor and Assembly as follows

1 This Act may be cited as the *Municipal Law Amendment (2004) Act*.

PART I

MUNICIPAL GOVERNMENT ACT

2 **Section 17 of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, is amended by adding immediately after subsection (5) the following subsection:**

(6) Notwithstanding subsection (3), where a mayor or councillor has the approval of the council, a mayor or councillor may be ordinarily resident outside the municipality but within the Province for one period of not more than six months in a term.

3 **Subsection 19(2) of Chapter 18 is amended by adding “and the clerk gives at least two days public notice of the meeting” immediately after “advance” in the fifth line.**

4 **Section 65 of Chapter 18, as amended by Chapter 35 of the Acts of 2001 and Chapter 9 of the Acts of 2003, is further amended by adding immediately after clause (aa) the following clause:**

(aaa) private roads, culverts, retaining walls, sidewalks, curbs and gutters that are associated with private roads and are identified and approved for expenditure by the council;

5 **Subsection 66(4) of Chapter 18, as amended by Chapter 35 of the Acts of 2001, is further amended by adding immediately after clause (d) the following clause:**

(da) to demolish a former school building;

6 **Clause 69(2)(a) of Chapter 18 is amended by adding “or to the extent” immediately after “amount” in the second line.**

**7 Chapter 18 is further amended by adding immediately after Section 71 the following Sections:**

71A The council may, by by-law, to the extent and under the conditions set out in the by-law, provide that the tax payable with respect to all or part of the taxable commercial property of any day care licensed under the *Day Care Act* be reduced to the tax that would be payable if the property were residential property, including area rates.

71B The council may, by by-law, exempt any day care licensed under the *Day Care Act* from taxes payable in respect of business occupancy assessment.

**8 (1) Subsection 81(1) of Chapter 18 is amended by adding immediately after clause (d) the following clause:**

(da) laying out, opening, constructing, repairing, improving and maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads, where the cost is incurred

(i) by the municipality, or

(ii) under an agreement between the municipality and a person;

**(2) Clause 81(2)(a) of Chapter 18 is amended by**

**(a) adding “or wastewater facility” immediately after “system” in the fourth line; and**

**(b) adding “or additional wastewater facility capacity” immediately after “capacity” in the sixth line.**

**(3) Clause 81(3)(b) of Chapter 18 is repealed and the following clause substituted:**

(b) that the charges may be made and collected only where

(i) 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 is performed, or

(ii) the persons as determined by the method set out in the by-law,

have filed with the clerk a petition requesting that the work be performed;

**9 Subsection 148(1) of Chapter 18 is amended by adding “, irrevocable letter of credit” immediately after “draft” in the second line.**

**10 Subsection 172(1) of Chapter 18 is amended by adding immediately after clause (j) the following clause:**

(ja) the condition or maintenance of vacant buildings, structures and properties and, without restricting the generality of the foregoing, may

(i) adopt property maintenance and performance standards,

(ii) prescribe the manner in which buildings or structures must be secured by owners or the municipality, and

(iii) limit the length of time that buildings or structures may remain boarded up;

**11 Subsection 176(3) of Chapter 18 is repealed.**

**12 (1) Subsection 205(1) of Chapter 18 is amended by striking out “by a majority vote of the maximum number of members that may be elected to the council” in the second and third lines.**

**(2) Section 205 of Chapter 18 is further amended by adding immediately after subsection (7) the following subsection:**

(8) A council shall adopt planning documents, at second reading, by majority vote of the maximum number of members that may be elected to council.

**13 Subsection 210(2) of Chapter 18 is amended by striking out “meeting” in the seventh line and substituting “public hearing”.**

**14 Subsection 219(2) of Chapter 18 is amended by adding “on a motion of council or on application” immediately after “strategy” in the third line.**

**15 Chapter 18 is further amended by adding immediately after Section 263 the following Section:**

263A No person shall breach the terms of a development agreement or site plan.

**16 Clause 266(3)(b) of Chapter 18 is amended by adding “, site plan” immediately after “agreement” in the fifth line.**

**17 Subsection 268(2) of Chapter 18, as amended by Chapter 10 of the Acts of 2002 and Chapter 9 of the Acts of 2003, is further amended by**

**(a) adding immediately after clause (e) the following clause:**

(ea) resulting from an acquisition of land by a village for village purposes;

**and**

**(b) adding immediately after clause (ia) the following clause:**

(ib) resulting from the quieting of a title;

**18 Subsection 271(3) of Chapter 18, as amended by Chapter 6 of the Acts of 2001 and Chapter 9 of the Acts of 2003, is further amended by adding immediately after clause (g) the following clause:**

(ga) requirements for part of a system for the supply or distribution of electricity or other source of energy or a telecommunications system to be placed underground;

**19 Section 273 of Chapter 18, as amended by Chapter 9 of the Acts of 2003, is further amended by adding immediately after subsection (5) the following subsection:**

(5A) Notwithstanding subsection (5), the council may transfer

(a) the funds referred to in subsection (5) to a village or non-profit organization that is providing parks, playgrounds or other recreational facilities in the municipality to be used for the acquisition of and capital improvements to those parks, playgrounds or other recreational facilities; and

(b) the interest on the funds referred to in subsection (5) to a village or non-profit organization that is providing parks, playgrounds or other recreational facilities in the municipality to be used for the operation or maintenance of those parks, playgrounds or other recreational facilities.

**20 Section 423 of Chapter 18 is amended by adding immediately after subsection (2) the following subsection:**

(2A) Village property used for any of the purposes referred to in subsection (2) is deemed, for purposes of clause 5(1)(u) of the *Assessment Act*, to be used exclusively for the purpose of village commissioners.

## PART II

### MUNICIPAL ELECTIONS ACT

**21 Section 18 of Chapter 300 of the Revised Statutes, 1989, the *Municipal Elections Act*, as amended by Chapter 6 of the Acts of 1991, Chapter 26 of the Acts of 1994, Chapter 18 of the Acts of 1998, Chapter 13 of the Acts of 1999 (2nd Session), Chapter 9 of the Acts of 2000 and Chapter 9 of the Acts of 2003, is further amended by adding immediately after subsection (5) the following subsection:**

(5A) Notwithstanding subsection (5), where a councillor has the approval of council, a councillor may be ordinarily resident outside the municipality but within the Province for one period of not more than six months in a term.

## PART III

## MUNICIPAL GRANTS ACT

**22 Section 12 of Chapter 302 of the Revised Statutes, 1989, the *Municipal Grants Act*, as amended by Chapter 7 of the Acts of 1994-95 and Chapter 5 of the Acts of 2002, is further amended by adding immediately after subsection (1) the following subsections:**

(1A) The estimates of operating expenditures referred to in subsection (1) shall be provided to the Minister by the municipality by September 1st of the year in which the standard expenditure is being prescribed or such later date as the Minister determines.

(1B) Where the estimates of operating expenditures are not provided under subsection (1A), the standard expenditure per dwelling unit and any other calculation that would be calculated using the estimates of operating expenditures may be calculated using such information as the Minister determines.

**23 Section 19B of Chapter 302, as enacted by Chapter 5 of the Acts of 2002, is amended by adding immediately after subsection (2) the following subsection:**

(3) Where information requested by the Minister that is required for a calculation is not provided by the municipality by the date required by the Minister, the Minister may make the calculation using such information as the Minister determines.

**24 (1)** This Act, except Section 20, comes into force on such day as the Governor in Council orders and declares by proclamation.

**(2)** Section 20 has effect on and after April 1, 2005.

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