

An Act Respecting Municipal Government

(Assented to December 3, 1998)

WHEREAS the Province recognizes that municipalities have legislative authority and responsibility with respect to the matters dealt with in this Act;

AND WHEREAS municipalities are a responsible order of government accountable to the people;

Be it enacted by the Governor and Assembly as follows:

Short title

1 This Act may be cited as the *Municipal Government Act*.

Purpose of Act

2 The purpose of this Act is to

(a) give broad authority to councils, including broad authority to pass by-laws, and to respect their right to govern municipalities in whatever ways the councils consider appropriate within the jurisdiction given to them;

(b) enhance the ability of councils to respond to present and future issues in their municipalities; and

(c) recognize that the functions of the municipality are to

(i) provide good government,

(ii) provide services, facilities and other things that, in the opinion of the council, are necessary or desirable for all or part of the municipality, and

(iii) develop and maintain safe and viable

communities.

Interpretation

3 In this Act,

(a) "administrator" means the employee of a municipality *or other person* designated by the chief administrative officer to be responsible for the provisions of this Act respecting dangerous or unsightly premises, except where the context otherwise requires, and includes a person acting under the supervision and direction of the administrator;

(b) "assessment appeal region" means an assessment appeal region designated pursuant to the *Assessment Act*;

(c) "assessment roll" means the assessment roll required to be prepared pursuant to the *Assessment Act*;

(d) "auditor" means the auditor appointed for the municipality pursuant to this Act, except where the context otherwise requires;

(e) "automatic machine" means a mechanical or electronic device that is operated by the introduction of a coin, counter or slug, and includes a vending machine but does not include automatic scales, telephone apparatus or a machine that is licensed by the Province or an agency of the Province;

(f) "Board" means the Nova Scotia Utility and Review Board;

(g) "building service connection" means a piping system that conveys sewage, liquid waste, stormwater or surface runoff from a property to a municipal sewer;

(h) "business occupancy assessment" has the same meaning as in the *Assessment Act*;

(i) "chief administrative officer" means the chief administrative officer of a municipality;

(j) "clerk" means the clerk of a municipality;

(k) "combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;

(l) "commercial property" has the same meaning as in the *Assessment Act*;

(m) "community" means an area in a regional municipality entitled to elect a community council pursuant to this Act;

(n) "community council" means the council of a community established pursuant to this Act;

(o) "council" means the council of a municipality, except as otherwise defined in this Act;

(p) "councillor" means a council member other than the mayor;

(q) "county or district municipality" means a municipality incorporated as a municipality of a county or district pursuant to Chapter 295 of the Revised Statutes, 1989, the *Municipal Act*;

(r) "dangerous or unsightly" means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing

(i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,

(ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material, or

(iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person,

and includes property, a building or structure

(iv) that is in a ruinous or dilapidated condition,

(v) the condition of which seriously depreciates the value of land or buildings in the vicinity,

(vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,

(vii) that is an allurement to children who may play there to their danger,

(viii) constituting a hazard to the health or safety of the public,

(ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure *or the landscaping* is not maintained, ~~or~~

(x) that is a fire hazard to itself or to surrounding lands or buildings; *or*

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

(s) "debenture" includes any financial instrument approved by the Nova Scotia Municipal Finance Corporation;

(t) "deed" means an instrument by which land is conveyed, transferred, assigned or vested in a person, but does not include a will, mortgage, agreement of sale or lease for a term of less than twenty-one years;

(u) "Deputy Minister" means the Deputy Minister of the Department of ~~Housing and Municipal Affairs~~ *Service Nova Scotia and Municipal Relations*;

(v) "derelict vehicle, vessel, item of equipment or machinery " includes a vehicle, vessel, item of equipment or machinery that

(i) is left on property, with or without lawful

authority, and

(ii) appears to the administrator to be disused or abandoned by reason of its age, appearance, mechanical condition or, where required by law to be licensed or registered, by its lack of licence plates or current vehicle registration;

(w) "Director of Assessment" means the Director of Assessment appointed pursuant to the *Assessment Act*, and includes a person acting under the supervision and direction of the Director;

(x) "dog" means a dog, male or female, or an animal that is the result of the breeding of a dog and any other animal;

(y) "drainage master plan" means a detailed plan of stormwater runoff and the courses and channels of it, including floodplains, for an entire area of drainage;

(z) "drainage plan" means a detailed plan of stormwater runoff and the courses and channels of it, including floodplains, for one or more parts of an area of drainage for all lands tributary to, or carrying drainage from, land that is proposed to be subdivided;

(aa) "dwelling unit" means living quarters that

(i) are accessible from a private entrance, either outside the building or in a common area within the building,

(ii) are occupied or, if unoccupied, are reasonably fit for occupancy,

(iii) contain kitchen facilities within the unit, and

(iv) have toilet facilities that are not shared with the occupants of other dwelling units;

(ab) "elector" means elector as defined in the *Municipal Elections Act*;

(ac) "emergency services" means services related to the provision of emergency services, including fire services, emergency medical services, search and rescue, water rescue and assistance and protection for people and property in the event of disasters including, but not limited to, floods, hurricanes, motor vehicle accidents and chemical spills;

(ad) "engineer" means the engineer of the municipality *or the village* and includes a person acting under the supervision and direction of the engineer;

(ae) "farm property" has the same meaning as in the *Assessment Act*;

(af) "fire department" means an incorporated body that provides fire services and that may, at its option, provide one or more other emergency services, and includes a fire or emergency services department of a municipality, village, fire protection district or other body corporate;

(ag) "fire protection district" has the same meaning as in the *Rural Fire District Act*;

(ah) "fire services" means services related to the prevention and suppression of fires;

(ai) "fiscal year" means the period from April 1st in one year to March 31st in the following year, including both dates;

(aj) "forest property" has the same meaning as in the *Assessment Act*;

(ak) "grading" means the alteration of land levels, including the addition or removal of topsoil or other material of any kind, and includes a change in land that alters the permeability of the soil;

(al) "improve" includes lay out, open, construct, repair and maintain;

(am) "incorporation date" means the date prescribed by the Governor in Council on which a regional municipality is established;

(an) "mayor" means the council member elected at large to be the chair of the council;

(ao) "Minister" means the Minister of ~~Housing and Municipal Affairs~~ ***Service Nova Scotia and Municipal Relations***;

(ap) "mobile canteen" means a vehicle used for the display, storage, transportation or sale of food or beverages by a mobile vendor;

(aq) "mobile vendor" means a person who vends from a mobile canteen or a stand;

(ar) "municipal government" means a municipal unit, village or service commission in the area to be incorporated as a regional municipality, and includes every authority, board, commission, corporation or other entity of that municipal unit, village or service commission and every joint authority, board, commission, committee or other entity involving that municipal unit, village or service commission;

(as) "municipal highway" means a highway owned by a municipality, pursuant to this Act, the *Public Highways Act* or otherwise;

(at) "municipal sewer" means a sewer controlled by a municipality or a village;

(au) "municipal unit" means a city, a town or a county or district municipality in the area to be incorporated as a regional municipality;

(av) "municipal water utility" means a utility owned, operated or managed by a municipality, village or service commission either directly or through a board or commission, for the purpose of producing, transmitting, delivering or furnishing water directly or indirectly to or for the public;

(aw) "municipality" means a regional municipality, town or county or district municipality, except where the context otherwise requires or as otherwise defined in this Act;

(ax) "oversized sewer" means a sewer that is designed to benefit lands that are in addition to lands that will benefit from the sewer immediately upon its completion;

(ay) "owner" includes

(i) as it refers to the owner of a dog, any person who possesses, has the care of, has the control of, or harbours a dog and, where the person is a minor, includes a person responsible for the custody of the minor,

(ii) as it refers to the owner of property

(A) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,

(B) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,

(C) a person who occupies shores, beaches or shoals, and

(D) in the absence of proof to the contrary, the person assessed for the property;

(az) "policy" means a resolution of the council that is required, pursuant to this Act, to be recorded in the by-law records of a municipality, *except where the context otherwise requires*;

(ba) "private on-site sewage disposal system" means a private system for sewage disposal serving one lot;

(bb) "private wastewater facilities" means wastewater facilities that are privately owned and serving two or more properties;

(bc) "public place" includes streets, parks and entrances, halls, corridors, washrooms, parking areas, driveways, roads, streets, sidewalks and alleys of a shopping centre, shopping mall or other shopping complex, recreation centre, restaurant and retail store;

(bd) "regional assessment appeal court" means a regional assessment appeal court appointed pursuant to the *Assessment Act*;

(be) "regional municipality" means a regional municipality established by, or continued pursuant to, this Act and includes the Cape Breton Regional Municipality, the Halifax Regional Municipality and the Region of Queens Municipality and the area over which each of those bodies corporate has jurisdiction;

(bf) "registered Canadian charitable organization" means a charitable organization registered pursuant to the *Income Tax Act* (Canada) and the regulations made pursuant to that Act;

(bg) "registrar of deeds" means a registrar of deeds appointed pursuant to the *Registry Act* **and, in the case of an interest registered pursuant to the Land Registration Act, means a registrar appointed pursuant to that Act;**

(bh) "registry" means the office of the registrar of deeds for the registration district in which the land is situate **and, in the case of an interest registered pursuant to the Land Registration Act, means the appropriate land registration office established pursuant to that Act;**

(bi) "residential property" has the same meaning as in the *Assessment Act*;

(bj) "resource property" has the same meaning as in the *Assessment Act*;

(bk) "sale price" or "value" means the entire consideration for the sale of the property and, without restricting the generality of the foregoing, includes

(i) money consideration paid together with the par or face value of promissory notes, cheques, bills of exchange, agreements and securities forming part of the consideration,

(ii) the gross value of real or personal property given in exchange, in whole or in part, including mortgages made by the grantee in favour of the grantor or any person on behalf of the grantor,

(iii) outstanding obligations or accounts canceled, assumed or satisfied, and

(iv) taxes, liens, mortgages and encumbrances, including interest and expenses, assumed by the grantee;

(bl) "sanitary sewer" means a sewer receiving and carrying liquid and water-carried wastes and to which storm, surface or groundwaters are not intentionally admitted;

(bm) "school board" means a school board as defined in the *Education Act* that, from time to time, may be responsible for the provision of schools in a municipality;

(bn) "service commission" means a board, commission or corporation created by, or under the authority of, an enactment that may

(i) provide services for an area, or the residents of an area, that are similar to one or more of those that may be provided by a municipality for its residents, and

(ii) levy rates and taxes, or require a municipality to levy rates and taxes, other than, or in addition to, water or electric rates fixed or approved pursuant to the *Public Utilities Act*,

but does not include a municipality, ***committee created by an intermunicipal services agreement***, village or school board;

(bo) "sewage" means the combination of liquid and water-carried wastes from buildings, containing animal, vegetable or

mineral matter in suspension or solution, together with such groundwater, surface water or stormwater as might be present;

(bp) "sewer" means a pipe or conduit for carrying sewage, groundwater, stormwater or surface runoff, and includes all sewer drains, storm sewers, clearwater sewers, storm drains and combined sewers vested in, or under the control of, a municipality *or village*;

(bq) "solid-waste management facility" means a sanitary landfill licensed pursuant to the *Environment Act* or a location not required to be licensed pursuant to that Act, a recycling facility, a transfer station, a waste separation facility, a household hazardous waste facility, an incinerator, a composting site or any other facility for the management of solid waste including collection, recycling, treatment and disposal;

(br) "special purpose tax" means a tax that the council, by resolution, declares to be a special purpose tax;

(bs) "special purpose tax account" means the account to which the proceeds of a special purpose tax are credited;

(bt) "special sewer connection" means a connection from a building on a property to a sewer that is not situate in the portion of the street on which the property immediately abuts;

(bu) "stand" includes a table, showcase, bench, rack, pushcart, wagon or wheeled vehicle or device that can be moved without the assistance of a motor and is used for the display, storage, transportation or sale of food, beverages or other merchandise by a mobile vendor;

(bv) "stormwater" means water from precipitation of all kinds, and includes water from the melting of snow and ice, groundwater discharge and surface water;

(bw) "stormwater system" means a method or means of carrying stormwater, including ditches, swales, sewers, drains, canals, ravines, gullies, pumping stations, retention ponds, streams, water-courses, floodplains, ponds, springs, creeks, streets or private roads, roadways or driveways;

(bx) "storm sewer" means a sewer that carries stormwater and surface runoff water, excluding sewage;

(by) "street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith, except as otherwise defined in this Act;

(bz) "taxes" includes municipal rates, area rates, change in use tax, forest property tax, recreational property tax, capital charges, one-time charges, local improvement charges and any rates, charges or debts prescribed, by the enactment authorizing them, to be a lien on the property;

(ca) "tax sale" includes a sale by public auction or a sale by tender, for the purpose of collecting taxes;

(caa) "transit facilities" includes a bus, a bus terminal, a bus shelter, a bus bay, a parking lot, a ferry terminal and a ferry dock;

(cb) "treasurer" means the treasurer of a municipality, and includes a person acting under the supervision and direction of the treasurer;

(cc) "tree" includes a bush, shrub and hedge;

(cd) "vending" means the sale, or offering for sale, of

(i) food, beverages or other merchandise, unless they are immediately delivered to a residence or shop by the person selling them,

(ii) services, unless they are provided in a building;

(ce) "vending machine" means a mechanical or electronic device that

(i) is operated by the introduction of a coin, counter or slug, and

(ii) dispenses food, beverages, goods, wares or services, including newspapers and other publications;

(cf) "village" means a village continued or incorporated pursuant to this Act;

(cg) "village commissioner" means a commissioner of a village;

(ch) "warden" means the council member chosen by the council of a county or district municipality to be the chair of the council;

(ci) "wastewater facilities" means the structures, pipes, devices, equipment, processes or other things used, or intended, for the collection, transportation, pumping or treatment of sewage and disposal of the effluent;

(cj) "water system" means the source, structures, pipes, hydrants, meters, devices, equipment or other things used, or intended, for the collection, transportation, pumping or treatment of water.