

PART III

POWERS

Resolutions, policies, by-laws

47 (1) The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

(2) The council may exercise any of its powers and duties by resolution unless a policy or a by-law is required by an enactment.

(3) The council may exercise by by-law any of the duties and powers that it may exercise by resolution or policy.

(4) The council may exercise by policy any of the duties and powers that it may exercise by resolution.

(5) The council may make and carry out a contract, perform an act, do any thing or provide a service for which the municipality or the council is authorized by an Act of the Legislature to spend or borrow money.

Policies

48 (1) Before a policy is passed, amended or repealed the council shall give at least seven days notice to all council members.

(2) The council may adopt different policies for different areas of the municipality.

(3) In addition to matters specified in this Act or another Act of the Legislature, the council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.

Power to make policies

49 (1) The council may make policies

(a) setting the interest rate to be charged on overdue taxes, area rates, water charges, sewer charges and any other charges or sums owing to the municipality;

(b) regulating the use of solid-waste management facilities, providing for times and conditions under which

they may be used and setting charges for the use of solid-waste management facilities operated by the municipality;

(c) setting and amending the fees to be paid for

(i) licences issued pursuant to a by-law of the municipality,

(ii) an inspection required or conducted pursuant to a by-law of the municipality or an enactment,

(iii) permits, applications and approvals required to be obtained from the municipality or an employee of the municipality pursuant to a by-law of the municipality or an enactment,

(iv) and expenses charged for the impoundment of animals;

(d) delegating the power to issue, refuse, suspend, cancel or revoke licences and permits, but not including building permits and development permits;

(e) establishing the amount that may be accepted by the municipality in lieu of prosecution for breach of a by-law and setting out procedures to be followed for such acceptance.

(2) Where the power to issue, refuse, suspend, cancel or revoke licences and permits is delegated by policy, provision for an appeal of such issuance, refusal, suspension, cancellation or revocation to a standing committee or to the council shall be included in the policy.

Powers of municipality regarding property

50 (1) A municipality may acquire and own property granted or conveyed to the municipality either absolutely or in trust for a public or charitable purpose.

(2) Where property is conveyed to a municipality in trust for a public or charitable purpose, the municipality holds the property according to the terms of the trust and may do anything necessary to carry out the objects of the trust.

(3) The property vested in a municipality, absolutely or in trust, is under the exclusive management and control of the council, unless an Act of the Legislature provides otherwise.

(4) Possession, occupation, use or obstruction of property of a municipality does not give an estate, right or title to the property.

(5) A municipality may

(a) acquire property, including property outside the municipality, that the municipality requires for its purposes or for the use of the public;

(b) sell property at market value when the property is no longer required for the purposes of the municipality;

(c) lease property owned by the municipality at market value;

(d) sell deeds for cemetery lots and certificates of perpetual care.

Sale or lease of municipal property

51 (1) A municipality may sell or lease property at a price less than market value to a nonprofit organization that the council considers to be carrying on an activity that is beneficial to the municipality.

(2) A resolution to sell or lease property referred to in subsection (1) at less than market value shall be passed by at least a two thirds majority of the council present and voting.

(3) Where the council proposes to sell property referred to in subsection (1) valued at more than ten thousand dollars at less than market value, the council shall first hold a public hearing respecting the sale.

(4) The council shall advertise the public hearing at least twice, in a newspaper circulating in the municipality, the first notice to appear at least fourteen days before the hearing.

(5) The notice of the public hearing shall include the date, time and place of the hearing, the location of the real property or a description of the tangible personal property, the estimated value of the property and the purpose of the sale.

Sale of unuseable land

51A Where a municipality holds land that is of insufficient size or dimensions to be capable of any reasonable use, in the opinion of the council, all or part of the land may be sold to the owner of any lot abutting that land and may be consolidated with such lot and, notwithstanding Section 51, the sale price of the land so sold may be set by council at a price that is less than market value at the time of the sale.

Expropriation

52 (1) Where the council considers it necessary to acquire real property, including real property outside the municipality, for a purpose for which it may spend money, the council may expropriate the real property, but this power to expropriate does not authorize a municipality to expropriate property of another municipality.

(2) Where real property is proposed to be expropriated,

(a) the municipality shall survey the property and prepare a description of it;

(b) municipal employees and agents of the municipality may enter upon the property to survey or examine it; and

(c) the municipality may make borings or other excavations in the property and shall reimburse the owner for any damage done if the expropriation is not completed.

(3) The *Expropriation Act* applies to expropriation proceedings by a municipality or a village.

Plebiscite

53 (1) A council may direct that a plebiscite be held in all or part of the municipality and that the clerk hold a public meeting in connection with the plebiscite.

(2) Where a plebiscite is directed, the clerk shall require the returning officer appointed pursuant to the *Municipal Elections Act* to conduct the plebiscite and it shall be conducted as closely as possible to the manner provided for the conduct of a special election pursuant to that Act.

(3) A plebiscite shall be held on a Saturday, as specified in the resolution, which shall be not less than ten weeks after the resolution directing the plebiscite is passed.

Police services

54 (1) The council may provide police services in the municipality by a combination of methods authorized pursuant to the *Police Act* and the board of police commissioners of a municipality has jurisdiction over the provision of the police services, notwithstanding that they are provided by a combination of methods.

(2) A municipality may contract with the Royal Canadian Mounted Police, the Minister of Justice or another municipality to provide police services.

Public transportation service

55 (1) A municipality may provide a public transportation service by

(a) the purchase of vehicles or vessels and operation of the service;

(b) providing financial assistance to a person who will undertake to provide the service; or

(c) a combination of these methods.

(2) The *Public Utilities Act* does not apply to a public transportation service within a municipality that provides the service.

Area improvement and promotion

56 (1) A municipality may

(a) beautify, improve and maintain property owned or leased by the municipality;

(b) pay grants to a body corporate for the purpose of promoting or beautifying a business district and for airport, wharf or waterfront development;

(c) identify and promote a business district as a place for retail and commercial activity;

(d) establish or maintain parking facilities.

(2) The municipality may levy an area rate applicable only to the commercial property and business occupancy assessments in the area benefited by the expenditures in order to recover them.

(3) In setting such an area rate, the council may set

(a) different rates for business occupancy assessments and commercial property assessments; and

(b) a minimum and maximum amount to be paid by a person assessed,

or may provide that payments be made on another basis established by the council.

Business and industrial development

57 (1) A municipality may

(a) solicit and encourage the establishment and development of new, and the establishment, development and expansion of existing institutions, industries and businesses in and around the municipality;

(b) publicize the advantages of the municipality or any part of the municipality and the surrounding areas as a

location for the establishment and expansion of institutions, industries and businesses;

(c) pay grants to a body corporate for the purpose of promoting the municipality or any part of the municipality and the surrounding areas as a location for institutions, industries and businesses;

(d) prepare and disseminate information about the municipality or any part of the municipality and the surrounding areas for the assistance of institutions, industries and businesses intending to locate or expand in the municipality or the surrounding area.

(2) A municipality shall not grant a tax concession or other form of direct financial assistance to a business or industry.

Regional libraries

58 (1) A municipality may enter into and carry out agreements for providing regional libraries and other purposes pursuant to the *Libraries Act*.

(2) A regional municipality has the powers of a regional library board pursuant to the *Libraries Act*.

(3) Where a regional municipality provides library services directly, it is the regional library board for purpose of grants made pursuant to the *Libraries Act*.

Highway and housing agreements

59 A municipality may enter into and carry out agreements

(a) for highway construction, improvement and maintenance and other purposes pursuant to the *Public Highways Act*;

~~(b) with the Minister or Canada Mortgage and Housing Corporation or, with respect to projects pursuant to the *National Housing Act* (Canada), any body corporate or agency having similar objects.~~

- (b) *with*
- (i) *the Minister of Community Services or Canada Mortgage and Housing Corporation with respect to housing projects, or*
 - (ii) *any body corporate or agency having similar objects to Canada Mortgage and Housing Corporation with respect to projects pursuant to the National Housing Act (Canada);*
- (c) *with the Government of the Province with respect to the development, operation or maintenance of trails on land of Her Majesty in right of the Province.*

Municipality and village service agreements

60 (1) A municipality or a village may agree with one or more municipalities, villages, service commissions, the Government of the Province or of Canada or a department or agency of either of them or a band council pursuant to the *Indian Act (Canada)* to provide or administer municipal or village services.

(2) An agreement made by a municipality or village pursuant to subsection (1) may

(a) include any service provided by the municipality or village, as the case may be;

(b) include the provision of services within or outside the municipality or village, as the case may be;

(c) delegate the power to provide the service to a committee representing each of the participating municipalities and villages, to a district planning commission or to a ~~participating municipality or village~~ *party to the agreement.*

(3) An agreement made by a municipality or village pursuant to subsection (1) may include

(a) a description of the services to be provided pursuant to the agreement;

(b) the area for which the services are to be provided;

(c) how and by whom the services are to be provided and administered;

(d) how the cost of the services, both capital and current, is to be paid, the proportions of the cost to be paid by each party to the agreement or a method of determining those proportions, when the respective shares of the cost are to be paid and a rate of interest payable in default of prompt payment;

(e) where the power to provide the service is delegated to a committee, whether the committee to which responsibility for the service is delegated is a separate body corporate, and the corporate powers that it may exercise;

(f) the ownership of any capital assets to be created under the agreement;

(g) provision for the disposition of a capital asset before or at the termination of the agreement;

(h) provision for the sharing of any liabilities before or at the termination of the agreement;

(i) provision for amending, reviewing or terminating the agreement;

(j) provision for resolving disputes among the parties to the agreement;

(k) such other terms and conditions as the parties to the agreement may determine.

(4) Where an agreement made by a municipality or village pursuant to subsection (1) creates a body corporate

(a) a copy of the agreement shall be filed with the Registrar of Joint Stock Companies; and

(b) the participating municipalities and villages may guarantee its borrowings.

Agreements

61 (1) A municipality or a village may agree with any person for the provision of a service or a capital facility that the municipality or village is authorized to provide.

(2) An agreement made pursuant to subsection (1) may allow for the lease, operation or maintenance of the facility or provision of the service by a person, including the sale or disposition to that person of property of the municipality or village that continues to be required for the purposes of the municipality or village, as the case may be.

Flag, symbol or coat-of-arms

62 (1) The council may, by policy, adopt a flag, symbol or coat of arms for the municipality.

(2) A flag, symbol or coat of arms adopted pursuant to this Section may be registered pursuant to an Act of Parliament in order to prevent its unauthorized use.

(3) No person, other than the municipality, shall use a flag, symbol or coat of arms of the municipality unless specifically authorized by the council and upon payment of any fee charged by the municipality for the use.

Municipal powers respecting trees

63 (1) A municipality may

(a) remove dead, dying or diseased trees on public and private property;

(b) recommend and encourage

(i) the proper pruning, protection and repair of privately owned trees in the municipality,

(ii) the planting of trees of suitable species at desirable sites within the municipality.

(2) A municipality shall not remove trees from private property unless the owner has granted written permission or an order requiring the removal of the tree has been issued.

(3) The council may, by policy, authorize its employees to enter upon land within the municipality to

(a) treat the trees on the land as approved and recommended by Forestry Canada;

(b) inspect the trees to determine whether they are in a diseased condition or damaged to the extent that they constitute a hazard to the safety of persons or property.

(4) The council may, by policy, authorize an employee to order an owner of land, within thirty days of service of a copy of the order, to remove a tree or limb that is, in the opinion of the employee, hazardous to persons or property or so affected by disease or insect infestation as to endanger the life and health of trees in the vicinity.

(5) An order to remove a tree or limb shall contain a description of the location of the tree or limb directed to be removed and a copy of the order shall be served upon the owner of the land.

(6) Where the owner fails to remove the tree or limb described in the order within thirty days of service of a copy of the order, a person authorized by the employee may enter upon the land upon which the tree or limb is situate, without warrant or other legal process, and remove the tree or limb.

(7) The actual cost of removal of the tree or limb pursuant to subsection (6) may be recovered as a debt from the owner of the land upon which it was located and is a first lien on the real property of the owner of the land and may be collected in the same manner as taxes.

(8) An owner may appeal an order requiring the removal of a tree or limb to the Supreme Court of Nova Scotia within seven days of service of the order on the owner and the giving of a notice of appeal acts as

a stay of proceedings until the appeal has been determined.

(9) Upon an appeal pursuant to subsection (8), the Supreme Court of Nova Scotia may confirm, modify or set aside the order.

(10) A municipality is not liable for failure to remove a diseased or dangerous tree or limb from property, whether publicly or privately owned.

(11) A person who defaces, mutilates or cuts a tree upon property of a municipality without the written consent of the municipality is guilty of an offence, and is guilty of a separate offence for each tree defaced, mutilated or cut.

(12) A municipality may borrow for a term not exceeding ten years for the cost of a major tree removal program.