

PART XVIII

VILLAGES

Interpretation

403 In this Part, "elector" means a person resident within the village entitled to vote at a municipal election, and who will have resided in the village for at least six months immediately prior to the village election.

Villages continue

404 The inhabitants of every village for which village commissioners were incorporated pursuant to the *Village Services Act* or to which that Act was declared to apply continue to be a body corporate under the name "Village of" " with the same boundaries, until altered by the Board pursuant to this Act.

Commission governs

405 A village is governed by a commission consisting of at least three commissioners and the number of commissioners, not exceeding five, shall be determined by the village by by-law.

Perpetual succession and common seal

406 (1) A village has perpetual succession and shall have a common seal.

(2) The seal shall be kept by the clerk of the village.

(3) A deed or document to which a village is a party shall be authenticated by the seal of the village and the chair and the clerk shall, when duly authorized, sign the deed or document and affix the seal.

Requirements for village commissioner

407 (1) No person is qualified to serve as a village commissioner unless the person is an elector.

(2) Every village commissioner shall take and subscribe the oath of office prescribed by the *Municipal Elections Act* in the manner prescribed by that Act before entering upon the duties of village commissioner.

(3) A village commissioner whose term of office has expired is eligible for reelection.

Meetings of village commission

408 (1) The village commissioners shall, at their first meeting after an election, elect a chair and a vice-chair.

(2) The chair shall preside at all meetings of the village commission.

(3) The vice-chair shall act in the absence or inability of the chair or in the event of the office of chair being vacant.

(4) All meetings of the village commission are open to the public.

(5) Meetings of the village commission shall be held at the times and places specified in the by-laws.

(6) The vice-chair, when notified that the chair is absent or unable to fulfil the duties of chair, or that the office of chair is vacant, has all the power and authority, and shall perform all the duties, of the chair.

Term

409 A village commissioner holds office for a term of three years.

By-law for nominations

410 (1) The village commission may, by by-law, provide for the nomination of candidates for election on a day preceding the day on which the election is to be held.

(2) Where a nomination day by-law is passed, nominations may only be made on the day provided for by the by-law.

Village commissioner vacancy

411 (1) Where a vacancy occurs in the office of a village commissioner, within thirty days

(a) the remaining village commissioners shall call a special meeting of the electors of the village for the purpose of filling the vacancy, which shall be held in the same manner as elections held at an annual meeting; or

(b) an election shall be held in accordance with the nomination and election by-laws of the village.

(1A) Notwithstanding subsection (1), a vacancy need not be filled until the next annual meeting or the election held in accordance with the nomination and election by-laws of the village immediately following the next annual meeting if it occurs within six months of the next annual meeting unless the Minister or the village commission determines otherwise.

(2) The person elected to fill a vacancy shall serve in office for the remainder of the term of the village commissioner whose office the person was elected to fill.

Village commissioner resignation

412 A village commissioner

(a) may resign from office at any time by delivering to the village clerk a signed declaration to that effect;

(b) who ceases to be ordinarily resident in the village, ceases to be qualified to serve as a village commissioner;

(c) who, without leave of the village commission, is absent from three consecutive regular meetings of the village commission, ceases to be qualified to serve as a village commissioner.

Annual public meeting

413 An annual public meeting of the electors of the village shall be held on or before the first day of July in each fiscal year.

Notice of meeting

414 (1) The chair of the village commission shall give notice

of the time and place of the annual meeting of the electors by causing notices to be posted, in not less than five conspicuous places in the village, at least fourteen days before the date of the meeting.

(2) The village commission may advertise the annual meeting in a newspaper circulating in the village at least fourteen days before the meeting, in lieu of, or in addition to, posting notices.

Annual meeting

415 (1) The chair of the village commission shall preside at the annual meeting.

(2) The village commission shall present a report of the proceedings of the preceding fiscal year and the audited financial statement at the annual meeting.

(3) The electors present at an annual meeting shall, after the presentation and disposal of the report of the village commission and of the financial statement, proceed to elect village commissioners.

(4) The chair shall appoint two electors to act as scrutineers.

(5) Where more than one village commissioner is to be elected at the same meeting, a separate ballot shall be taken for each commissioner.

(6) Where the village commission so provides by by-law, a single ballot may be taken for the election of more than one village commissioner.

By-law for election of village commissioners

416 (1) The village commission may provide by by-law for the village commissioners to be elected on a day within one week following the annual meeting.

(2) The by-law shall

(a) specify the day that the election is to be held;

- (b) specify the hours that polling is to occur;
 - (c) provide for the appointment of two scrutineers;
- and
- (d) provide for any matter or thing necessary to effectively conduct the election.

Voting procedures

417 (1) Upon the completion of the voting, the clerk in the presence of each of the two scrutineers shall open the ballot box and examine the ballot papers and proceed to count the votes and shall declare the person or persons having the greatest number of votes elected.

(2) When there is a tie at an election of a village commissioner, the clerk shall determine the successful candidate by lot as prescribed by the *Municipal Elections Act*.

(3) After the votes are counted the village clerk shall make up a written statement containing the following particulars

- (a) the number of votes polled;
- (b) the names of the persons receiving votes and the number of votes received by each person.

(4) The statement shall be signed by the village clerk and filed with the minutes of the meeting.

Vote recount

418 (1) If, within three days after the election, any elector requests a recount of the votes cast at the election, the village clerk shall appoint a time within three days to recount the votes at the village office and shall, at the time and place appointed, in the presence of the chair of the village and the elector, proceed to recount the votes.

(2) The village clerk, as soon as the result of the poll is ascertained, shall declare to be elected the candidate or candidates having the highest number of votes, and in the event of a tie determine the successful candidate by lot as prescribed by the *Municipal Elections Act*.

Special meeting of electors

419 (1) The village commission may convene a special meeting of the electors and shall give fourteen days notice of it by posting notices in conspicuous places in the village stating the time, place and purpose for which the meeting is convened.

(2) The village commission may advertise the meeting in a newspaper circulating in the village at least fourteen days before the meeting in lieu of, or in addition to, posting notices.

Village clerk and treasurer

420 (1) The village commission shall appoint a village clerk and treasurer who shall be paid the salary granted by the village commission.

(2) The village clerk shall

(a) record all by-laws, resolutions, decisions and other proceedings of the village commission;

(b) if requested by any village commissioner, record the vote of every village commissioner voting on any matter;

(c) keep the books, records and accounts of the village;

(d) preserve and file all accounts, original and certified copies of the by-laws and of all minutes of proceedings of the village commission; and

(e) act as clerk at, and keep records of, all meetings of electors.

Policy for records management and destruction

421 (1) The village commission may adopt a policy for the management and destruction of records.

(2) Records required to be kept by any enactment and minutes, by-laws, policies or resolutions of the village commission may not be destroyed.

(3) The village commission may, by policy, specify further classes of records that are not to be destroyed or that are to be kept for set periods.

(4) When a village record has been destroyed or when the original village record is not produced in court, any photographic, photostatic or electronic reproduction of the record is admissible in evidence to the same extent as the original could have been produced and is, in the absence of proof to the contrary, proof of the record, if the clerk certifies that the reproduction is part of the records of the village and that it is a true reproduction of the original.

Power to employ persons

422 The village commission may employ the persons necessary for the purposes of the village.

Power to expend money

423 (1) The village commission may expend money required by the village for

(a) expenses of elections and plebiscites;

(b) premiums on any insurance policy for damage to property, personal injury or liability, including liability of members of the village commission or employees of the village and volunteer members of the fire departments and emergency services providers and volunteers in village programs;

(c) repayment of money borrowed by the village, the payment of interest on that money and payment of sinking funds;

(d) providing an emergency response system;

- (e) snow and ice removal;
- (f) procuring and providing for the village, or any part of it, a suitable system of fire protection or emergency services and may, for the purpose, purchase or otherwise acquire and equip maintain and repair apparatus, machinery, implements and plan for use in extinguishing fires or providing emergency services;
- (g) equipping and maintaining fire departments or emergency services providers;
- (h) honoraria and training expenses for volunteer firefighters and emergency services volunteers;
- (I) providing school crossing guards;
- (j) recreational programs;
- (k) advertising the opportunities of the village for business, industrial and tourism purposes and encouraging tourist traffic, with power to make a grant to a nonprofit society for this purpose;
- (l) lighting any part of the village;
- (m) preventing or decreasing flooding;
- (n) collecting, removing, managing and disposing of solid waste;
- (o) salaries, remuneration and expenses of the village commissioners, officers and employees of the village;
- (p) the reasonable expenses incurred by the village commissioners for attendance at meetings and conferences, if the permission of the village commission is obtained prior to the meeting or conference or if the attendance is in accordance with a resolution of the village commission;

(q) the contribution of the village to a pension or superannuation fund;

(r) payment to the Board of an assessment on a public utility owned or operated by the village, as determined by the Board;

(s) annual fees of municipal, village or professional associations;

(t) public libraries;

(u) lands and buildings required for any purpose of the village,

(v) furnishing and equipping any village facility;

(w) acquisition of equipment, materials, vehicles, machinery, apparatus, implements and plant for any village purpose;

(x) placing the wiring and other parts of a system for the supply or distribution of electricity, gas, steam or other source of energy, or a telecommunications system, underground;

(y) buildings for a medical centre to encourage medical doctors, dentists and other health professionals to locate in the village;

(z) a fire alarm system;

(aa) ponds, reservoirs, brooks, canals and other means of accumulating or directing the flow of water to be used in extinguishing fires;

(ab) playgrounds, trails, bicycle paths, swimming pools, ice arenas and other recreational facilities;

(ac) public grounds, squares, halls, museums, parks, tourist information centres and community centres;

- (ad) wastewater facilities and stormwater systems;
- (ae) water systems;
- (af) solid-waste management facilities;
- (ag) a system for providing electric light and power;
- (ah) parking lots and parking structures;
- (ai) wharves and public landings;
- (aj) constructing, maintaining and repairing streets, sidewalks, curbs, gutters and other improvements to streets and highways, provided that no improvement shall be constructed without the permission of the owner of the street or highway;
- (ak) doing all things necessary or incidental to the exercise of any of the powers and duties of the village.

(2) The village may extend, construct, alter, improve, maintain and operate the wastewater facilities, stormwater system, water system or electric light system of the village outside the limits of the village and may enter into contracts to supply the services outside the village.

(2A) Village property used for any of the purposes referred to in subsection (2) is deemed, for the purposes of clause 5(1)(u) of the Assessment Act, to be used exclusively for the purpose of village commissioners. (Effective April 1, 2005)

(3) The village may charge for any service provided outside the village in the same manner in which the service is charged for in the village provided that any rates subject to the approval of the Board are approved by the Board.

Village expropriation powers

424 A village has the same powers of expropriation as a municipality, and shall follow the same procedure.

Mutual aid

425 (1) A village may assist at fires, rescues or other emergencies occurring outside its boundaries.

(2) A village may agree with municipalities, villages, federal and provincial departments and agencies or others to provide assistance at fires, rescues and other emergencies and to receive assistance at fires, rescues and other emergencies.

By-law powers

426 A village commission may make by-laws for

(a) regulating proceedings and preserving order at meetings of the village commission;

(b) the government and procedure of meetings of the electors of the village;

(c) regulating the management, and providing for the security of, public property of any kind belonging to the village, and providing for the permanent improvement of the village in all matters ornamental as well as useful;

(d) protecting and preventing injury to streets, squares, sidewalks and pavements and to the posts, railings, trees and ornaments of the village;

(e) regulating or protecting drains, sewers or watercourses in the village;

(f) providing for any other purpose, matter or thing within the powers, duties or control of the commissioners.

Power to make by-laws

427 (1) The commission may, by by-law

(a) require the owner, occupier or person in charge of a property to clear snow and ice from the sidewalks adjoining the property;

(b) prescribe measures to be taken by the owners, occupiers or persons in charge for the abatement of dangerous conditions arising from the presence of snow and ice on the sidewalks adjoining the property.

(2) Where a person required by a by-law made pursuant to subsection (1) fails to clear the ice and snow from the sidewalk forthwith after notice to do so, or to take the necessary measures for the abatement of any dangerous condition arising from the presence of the snow and ice, the village clerk may have the snow and ice cleared and any necessary measures to abate dangerous conditions taken and the cost of the work, with interest at the rate determined by the village commission, from the date of the completion of the work until the date of payment, is a first lien on the property.

(3) The commission may, by by-law

(a) require the owner of a property to remove ice or icicles from part of a building overhanging or abutting a sidewalk;

(b) require the owner of lands abutting a street to maintain an area of vegetation between the streetline and the main travelled way.

By-laws for enforcement of payment of charges

428 (1) The village commission may make by-laws imposing, fixing and providing methods of enforcing payment of charges for

(a) wastewater facilities or stormwater systems, for the use of wastewater facilities or stormwater systems, and for connecting to wastewater facilities or stormwater systems;

~~(b) expenditures incurred for the wastewater management system in a wastewater management district;~~

(c) the village portion of the capital cost of installing a water system;

(d) laying out, opening, constructing, repairing,

improving and maintaining streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls whether the cost is incurred by the village directly or by, or pursuant to, an agreement with Her Majesty in right of the Province, the Minister of Transportation and Public Works or any person;

(e) the village portion of the capital cost of placing the wiring and other parts of an electrical distribution system underground;

(f) a special purpose tax account to provide for future expenditures for wastewater facilities, stormwater systems, water systems, transportation facilities or other anticipated capital requirements.

(2) The village commission may, by by-law

(a) define classes of buildings to be erected or enlarged according to the varying loads that, in the opinion of the village commission, the buildings impose or may impose on the sewer system and levy a one-time redevelopment charge to pay for additional or trunk sanitary or storm sewer capacity required to accommodate the effluent from the buildings;

(b) impose a one-time oversized sewer charge on each property determined by the village commission to benefit from a sewer in the future to recover the cost of making the sewer an oversized sewer, and provide that the oversized sewer charge is not payable until the property is serviced by a sanitary sewer or a storm sewer;

(c) levy a one-time storm drainage charge on the owner of each lot of land in a drainage management area for which an application is made for a development permit to allow, on the lot, a development of a class designated by the village commission in the by-law.

(3) A by-law made pursuant to this Section may provide

(a) that the charges fixed by, or determined pursuant to, the by-law may be chargeable in proportion to

frontage, in proportion to area or in proportion to the assessment of the respective properties fronting on the street or according to another plan or method set out in the by-law;

(b) that the charges may be made and collected only where 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 has been performed, have filed with the clerk a petition requesting that the work be performed;

(c) that the charges may be different for different classes of development and may be different in different areas of the village;

(d) when the charges are payable;

(e) for total or partial exemption of persons and land from the charge and for adjustments to be made with respect to lots of land or developments where the proposals or applications change in order to reflect the changing nature of lots or developments;

(f) that the charges are first liens on the real property and may be collected in the same manner as other taxes;

(g) that the charges be collectable in the same manner as taxes, and at the option of the treasurer be collectable at the same time and by the same proceedings as taxes;

(h) a manner for determining when the lien becomes effective or when the charges become due and payable;

(I) that the amount payable may, at the option of the owner of the property, be paid in the number of annual installments set out in the by-law, and on default of payment of any installment the balance becomes due and payable;

(j) that interest is payable annually on the entire amount outstanding and unpaid, whether or not the owner has elected to pay by installments, at a rate and beginning on a date fixed by the by-law.

(4) For greater certainty, no property is exempt from a charge levied pursuant to this Section, except property of Her Majesty in right of the Province.

By-law regarding taxation

429 (1) A village commission has the powers of a municipality to make by-laws pursuant to this Act for tax reductions, exemptions and deferrals.

(2) A by-law passed pursuant to subsection (1) does not require the approval of the Minister.

By-law requiring connection with sewer

430 (1) Where a village is operating a sewer or drainage system, the village commission may, by by-law, require the owner of every building to connect to the sewer line in the manner prescribed in the by-law, and may exempt from the requirement buildings that

(a) are adequately served with sewer and drainage;

(b) do not require sewer service; or

(c) would not be adequately or practically served by connection with the sewer line.

(2) The by-law may require the owner of a septic tank or outhouse to remove and destroy the septic tank or outhouse and to fill any resulting cavity when the building served by the septic tank or outhouse is connected or required to be connected with the sewer.

(3) The village commission may serve notice on an owner requiring the owner to comply with the by-law, and any person who does not comply with the notice within thirty days is guilty of an offence.

By-law prescribing penalties

431 (1) Except as otherwise provided, the village commission may, by by-law, prescribe a maximum penalty, not exceeding five thousand dollars, for the violation of a by-law of the village and may, in the by-law, provide that in default of payment of the penalty the offender may be imprisoned for not more than ninety days.

(2) The village commission may, by by-law, prescribe a minimum penalty not exceeding one hundred dollars for the violation of a by-law of the village.

(3) Where no penalty for violation of a by-law of a village is prescribed, every person who violates a by-law is liable upon summary conviction, to a penalty of not more than five thousand dollars and in default of payment, to imprisonment for a period of not more than ninety days.

(4) Every day during which a contravention of or failure to comply with a by-law of a village continues is a separate offence.

Collection of penalties

432 (1) All penalties for violations of a by-law of a village shall, when collected, be paid to the village.

(2) A penalty pursuant to a by-law of the village, if no other provision is made respecting it, belongs to and forms part of the general revenue of the village.

Ministerial approval and revocation

433 (1) Except as otherwise specified in the enactment authorizing the by-law, every by-law made by a village commission pursuant to the authority of this Act or another Act of the Legislature is subject to the approval of the Minister and, when so approved, has the force of law.

(2) The Minister may subsequently revoke approval of a by-law, or part of the by-law and, after such revocation, the by-law or the part in respect of which approval is revoked is repealed.

(3) Two copies of every by-law enacted by a village commission shall be certified by the clerk to be true copies and shall be provided to the Minister.

By-law records

434 (1) The village commission shall keep one copy of every by-law, certified by the village clerk under the seal of the village that it was passed or made and, in the case of a by-law requiring the approval of the Minister, bearing the approval of the Minister.

(2) The by-law records shall be maintained by the village clerk.

(3) The original by-laws shall be open to inspection by any person at any reasonable time, but shall not be removed from the office of the village and the production of the original by-law in a court may not be required on subpoena but only upon order of the court or a judge after satisfactory cause is shown.

(4) The village clerk shall print all of the by-laws of the village from time to time in force and shall keep printed copies of the by-laws, amended to date, for sale.

(5) The village clerk shall provide a copy of any by-law amended to date to any person requesting one, at a reasonable price, having regard to the cost of printing.

Prima facie proof of by-law

435 (1) A copy of any by-law made pursuant to this Act or another Act of the Legislature purporting to be certified by the village clerk under the seal of the village to be a true copy of a by-law passed by the village commission and having received all necessary approvals shall be received in evidence as *prima facie* proof of its passing, its having received

all necessary approvals, its being in force and the contents of it without any further proof in any court, unless it is specially pleaded or alleged that the seal or the signature of the village clerk is forged.

(2) Printed documents certified by the village clerk purporting to be printed copies of any or all by-laws passed by the village commission shall be admitted in evidence in all courts in the Province as *prima facie* proof of the by-laws and of the due passing of them.

Application for Supreme Court order

436 A village may apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order, and the judge may make any order that the justice of the case requires, if

- (a) a building is erected, is being erected or is being used in contravention of a by-law of the village;
- (b) land is being used in contravention of a by-law of the village;
- (c) a breach of a by-law is anticipated or is of a continuing nature; or
- (d) a person is carrying on business or is doing any thing without paying the licence or permit fee required.

Application to quash

437 (1) A person may, by notice of motion, apply to a judge of the Supreme Court of Nova Scotia to quash a by-law, order, policy or resolution of the village commission, in whole or in part, for illegality.

(2) No by-law may be quashed for a matter of form only or for a procedural irregularity.

(3) The judge may quash the by-law, order, policy or resolution in whole or in part and may, according to the result of the application, award costs for or against the village and may determine the scale of the costs.

(4) The notice of motion shall be served at least seven days before the day on which the motion is to be made.

(5) No application pursuant to this Section to quash a by-law, order, policy or resolution, in whole or in part, shall be entertained unless the application is made within three months after the publication of the by-law or the making of the order, policy or resolution.

Power to borrow

438 (1) A village may borrow the sums necessary to carry out any village service.

(2) No money shall be borrowed by a village until the proposed borrowing is approved by a meeting of the electors of the village and by the Minister.

(3) ~~The~~ *Subject to subsection (2), the* procedures for borrowing by a village are the same as for a municipality.

Village commission estimates and rates

439 (1) The village commission, before the annual meeting in each fiscal year, shall make estimates of all sums required for the lawful purposes of the village for the then current fiscal year after crediting the probable revenue from all sources other than rates, including any subsidy allowed by the council of the municipality within which the village is situate, and making due allowance for the abatement and losses which may occur in the collection of the taxes and for taxes for the current fiscal year which may not be collected or collectable.

(2) In preparing the estimates, the village commission shall include all sums which are required for the retirement of debenture debt, or

debenture interest, or sinking fund deposits, if any, in respect of all debentures issued by the municipality for or on behalf of the village.

~~(3) The village commission shall authorize the levying and collecting of a rate of so much on the dollar on the assessed value of the taxable property and occupancy assessment in the village as shown on the then current assessment roll of the municipality as the village commission deems sufficient to raise the sum required to defray the expenditures for the then current fiscal year and any deficit from any preceding fiscal year.~~

(3) *Subject to subsection (3A), the village commission shall authorize the levying and collecting of*

(a) a commercial tax rate of so much on the dollar of the assessed value of taxable commercial property and business occupancy assessments; and

(b) a residential tax rate of so much on the dollar of the assessed value of taxable residential property and resource property.

(3A) The commercial tax rate shall not exceed one and a half times the residential tax rate.

(3B) The tax rates referred to in subsection (3) shall be those that the village commission deems sufficient to raise the amount of money required to defray the estimated requirements of the village. (New Subsection (3) and Subsections (3A) and (3B) effective April 1, 2006)

(4) The amount rated upon each ratepayer shall be collected in the same manner as municipal rates and taxes with the same rights and remedies in the event of default of payment.

(5) Where the assessment for municipal purposes covers property in part outside the limits of the village, the village commission may allow such abatement of rates as the commission deems just.

(6) Where any expenditure is incurred for defraying the expenses of providing and operating a waterworks system, the amount of the expenditure shall be paid out of the revenue received from the operation of the system pursuant to the *Public Utilities Act* so far as that revenue extends, and

any deficit thereafter may be rated and collected.

Tax collection

440 (1) A village has the same power to prescribe due dates, installment billing, interest, penalties and discounts as a municipality.

(2) A village has the same powers as a municipality to collect taxes.

(3) Village taxes are a first lien on the property with respect to which they are levied.

Delegation of tax collection to municipality

441 (1) A village may, with the consent of the municipal council, delegate its powers of tax collection to the municipality within which it is situate.

(2) Where a village delegates its powers of tax collection to a municipality, the village clerk shall provide the municipal treasurer with a requisition for the amount required for the current fiscal year and a list of the taxpayers of the village.

(3) Where any part of the amount required is an area charge, the requisition shall state the amount to be raised as an area charge and the taxpayers liable for the charge.

(4) Where a property is partly within the village and partly outside, the list shall show what proportion has been allowed as an abatement.

(5) Where a requisition and list are furnished to the municipal clerk pursuant to a delegation of tax collection powers agreed to by the municipal council, the sums required by the village, for the purposes of the village, shall be levied and collected by the municipality in the same manner as if the amounts were area rates.

(6) After making an allowance for the abatement, losses, expenses, discounts and commissions which may occur in the collection of the taxes and for taxes for the current fiscal year which may not be collected or collectable, the amount set out in the requisition shall be paid over by the

treasurer of the municipality to the village in installments from time to time as requested by the chairman.

(7) In determining the rate of taxation required to levy and collect the amount of the requisition, the municipality shall not be bound by the list of ratepayers provided by the village, but may use such other information as is available to it.

Village commission area rates

442 Where the village incurs an expenditure in an area of the village, the village commission may direct that the amount of the expenditure, together with an allowance for the abatement, losses and expenses which may occur in the collection and for amounts which may not be collected or collectable, be rated and collected by a rate of so much on the dollar on the assessed value of the property in the area as shown on the then current assessment roll of the municipality, and the amount so rated shall be collected in the same manner as other rates of the village.

Power to borrow

443 The village commission may, from time to time, borrow for the purpose of defraying the annual current expenditure of the village and the interest on the loans shall be added to the current expenses for the fiscal year, provided that the loans shall not in the aggregate at any time exceed fifty per cent of the total amount of taxes levied for the current fiscal year.

Capital reserve fund

- 444 (1) A village shall maintain a capital reserve fund.
- (2) The capital reserve fund of a village is subject to the same requirements and limitations as the capital reserve fund of a municipality.
- (3) The village shall pay into a capital reserve fund the proceeds from the sale of any property of the village and the proceeds of any fire or other insurance.

Village auditor

445 (1) A village shall appoint an auditor who shall be a person registered as a municipal auditor.

(2) A village auditor has the powers and duties of the auditor of a municipality.

Power to sell or lease property

446 With the consent of the Minister a village commission may sell any real or personal property at market value when the property is no longer required for the use of the village, or may lease any real or personal property for market value, but the consent is not required if the property so leased or sold does not exceed twenty-five thousand dollars in value.

Application to change village boundaries

447 (1) An application to change the boundaries of a village may be made to the Board by

(a) the village commission; or

(b) an owner of real property in the area proposed by the owner to be added to, or taken from, the village.

(2) An application to the Board by the village commission to change the boundaries shall be accompanied by

(a) a description of the boundary change; and

(b) a petition of two thirds of the owners of real property in the area proposed to be added to, or taken from, the village, approving of the change.

(3) An application to the Board by an owner of real property in the area proposed to be added to or taken from the village shall be accompanied by a petition of two thirds of the owners of real property in the area proposed to be added to or taken from the village, approving of the change, and the application shall contain the name and mailing address of the person to whom notices and communication may be given with respect to the application.

(4) Upon receipt of an application to change the boundaries of a village, the Board shall give such public notice of the application as the Board considers appropriate and shall hold a hearing with respect to the application.

(5) Notice of the date, time and location of the hearing shall be served upon the village clerk, the clerk of the municipality of which the village forms a part, an application, if any, and the Minister.

(6) At the hearing the Board shall hear any interested person or municipality.

(7) The Board may, after inquiring into and taking into account

(a) the necessity or expediency of the order applied for;

(b) the financial position and obligations of the village and municipalities affected;

(c) the burden of taxation upon the ratepayers of the village and the area proposed to be added to, or taken from, the village; and

(d) all other matters that in the opinion of the Board are relevant,

order that the boundaries of the village be changed.

(8) An order made pursuant to subsection (7) shall

(a) define the boundaries of the village, with any alterations made as a result of the hearing;

(b) state when the new boundaries are to be effective; and

(c) contain such directions respecting the implementation of the new boundaries as the Board sees fit.

Dissolution of village

448 (1) The Minister may, by order, dissolve any village upon the request of the village commission authorized by a meeting of the electors of the village.

(2) The Minister may, by order, dissolve a village upon the request of a municipality if

(a) there has been, to the knowledge of the Minister and the clerk of the municipality, no meeting of the electors of the village for at least two years; and

(b) ninety days notice of the proposed dissolution has been served on the latest village commissioners and village clerk known to the Minister, and no objection to the proposed dissolution has been filed with the Minister.

(3) The Board may, by order, dissolve a village on the request of not fewer than ten per cent of the electors of the village.

(4) The Board shall serve notice of the proposed dissolution at least sixty days before the dissolution on

(a) the village clerk and any village commissioner;

(b) the clerk of the municipality in which the village is located; and

(c) the Minister.

(5) The notice shall provide that any objection to the proposal shall be filed with the Board within forty-five days of the service of the notice.

(6) Where any objections are received to the proposal, the Board shall hold a hearing with respect to the proposed dissolution, and the clerk of the Board shall notify the village clerk, the municipal clerk, any person who filed an objection and the Minister of the date and location of hearing.

(7) Upon the making of an order dissolving the village, the

village ceases to be a body corporate and this Act no longer applies to it.

(8) All assets and liabilities, including outstanding debentures, of the former village are vested in the municipality in which the former village is located and the municipality may transfer, free of cost, property of a village that is dissolved to a body incorporated to provide community services in the area served by the dissolved village.

(9) Any net liability shall be funded by an area rate levied on the area of the former village.

(10) An order dissolving a village is regulations within the meaning of the *Regulations Act*.