

PART XXII

HALIFAX REGIONAL MUNICIPALITY

Power to establish community council

521 (1) The council of the Halifax Regional Municipality may, by policy, establish a community council for an area.

(2) A policy establishing a community council shall define the boundaries of the community and the community shall include the whole, or part of, at least three wards or polling districts.

(3) The number of electors in a community shall be at least twice the average number of electors per ward or polling district in the municipality.

(4) The community council for each community consists of the councillors elected from the polling districts included, in whole or in part, in the community.

Powers and duties of community council

522 The powers and duties of a community council include

(a) monitoring the provision of services to the community and recommending the appropriate level of services, areas where additional services are required and ways in which the provision of services can be improved;

(b) the establishment of one or more advisory subcommittees;

(c) recommending to council appropriate by-laws, regulations, controls and development standards for the community;

(d) recommending to council appropriate user charges for the different parts of the community;

(e) making recommendations to the council respecting any matter intended to improve conditions in the community including, but not limited to, recommendations respecting

(i) inadequacies in existing services provided to the community and the manner in which they might be resolved,

additional services that might be required and the manner in which the costs of funding these services might be raised, and

(ii) the adoption of policies that would allow the people of the community to participate more effectively in the governance of the community;

(f) making recommendations to the council on any matter referred to it by the council.

Procedures of community council

523 (1) A community council shall annually elect its chair from among its members.

(2) The chair shall be elected at the first meeting of the community council after the members are elected.

(3) Subject to any policy adopted by the council, a community council may make rules governing its procedures, the appointment of committees and the number and frequency of its meetings.

(4) Any rules passed by a community council shall be filed with the secretary of the community council and the clerk.

Meetings of community council

524 (1) A community council shall hold an annual public meeting in the community in each year to report to the public concerning its activities and to receive the views of the public respecting all matters within its mandate.

(2) Except as otherwise provided in this Section, all meetings of a community council shall be open to the public.

(3) A community council may meet privately to discuss matters relating to

(a) acquisition, sale, lease and security of municipal property;

- (b) personnel matters;
- (c) litigation or potential litigation;
- (d) legal advice eligible for solicitor-client privilege;
- (e) public security.

(4) No decision shall be made at a private community council meeting except a decision concerning procedural matters or to give direction to staff of the municipality.

(5) A record which is open to the public shall be made, noting the fact that the community council met in private, the type of matter that was discussed, as set out in subsection (3), and the date, but no other information.

Secretary of community council

525 (1) The chief administrative officer of the municipality shall appoint an employee of the municipality to act as the secretary of a community council.

(2) The secretary of a community council is responsible for maintaining the minutes of the community council and its books, records and accounts and for the certification of any document required to be certified as having been adopted by the community council.

Additional powers and duties of community council

526 (1) This Section applies to a community council if the council so provides in the policy establishing the community council.

(2) A community council may determine expenditures, to be financed by area rate, that should be made in, or for the benefit of, the community.

(3) Except in the first year that it is established, a community council shall submit to the council its proposed operating budget for services to be provided to the community to be financed by area rate and

its proposed capital budget for projects for which the municipality will be required to borrow money and will charge back all or part of the debt charges to the community.

(4) The council shall levy an area rate in the community to recover the cost of

(a) that part of the budget of the community council that is accepted by the council;

(b) the debt charges applicable to capital expenditures in and for the benefit of the community that are approved by the council, except those capital expenditures financed out of the general levy;

(c) the community's fair share of the cost of services provided generally in the municipality and financed by area rates;

(d) the additional administrative costs, determined by the council to have been imposed by any additional services provided to the community;

(e) the administrative costs of the community council, including any expenses paid to the members;

(f) the estimated deficit from the previous year; and

(g) a reasonable allowance, as determined by the council, for the abatement, losses and expenses that might occur in collecting any amounts which may not be collected or collectable,

less

(h) any subsidy to the area rate from the general levy that may be approved by the council;

(i) the estimated surplus from the previous year; and

(j) the revenues from the community attributable to charges levied with respect to services or capital facilities provided.

(5) The area rate may be at different rates in different parts of the community.

(6) A community council may determine upon what money contained in the budget approved by the council is spent, if the sum of all expenditures does not exceed the sum so approved.

(7) A community council is subject to the general purchasing, contracting and tendering policies established by the council.

(8) A community council may not expend funds with respect to a capital project that cannot be paid for in full out of the area rate, unless the project has been approved by the council.

(9) A community council shall not, in any fiscal year, incur or make expenditures that will result in a total expenditure in excess of its budget for that year.

Power to amend land-use by-law

527 (1) This Section applies to a community council, if the council so provides in the policy establishing the community council.

(2) A community council may appoint a planning advisory committee for the community and Part VIII applies with all necessary changes.

(3) A community council may amend the land-use by-law of the municipality applicable to the community with respect to any property in the community, if the amendment carries out the intent of any municipal planning strategy of the municipality applicable to the property and in doing so, the community council stands in the place and stead of the council and Part VIII applies with all necessary changes.

(4) A community council stands in the place and stead of the council with respect to minor variances and site-plan approvals and Part VIII applies with all necessary changes.

Community council and development agreements

528 (1) This Section applies to a community council, if the council so provides in the policy establishing the community council.

(2) Where a municipal planning strategy of the municipality provides for development by agreement, the community council stands in the place and stead of the council and Part VIII applies with all necessary changes.

(3) A development agreement, or amendment to a development agreement, entered into by a community council shall be signed by the mayor and the clerk on behalf of the municipality.

(4) Where a development agreement entered into by a community council purports to commit the municipality to an expenditure, the commitment has no force or effect until approved by the council of the municipality.

Dartmouth common

529 (1) In this Section, "Dartmouth common" means the common of Dartmouth so far as it was vested in the City of Dartmouth on April 22, 1986.

(2) The Halifax Regional Municipality shall not sell, lease, license or otherwise alienate the Dartmouth common.

(3) Subject to subsection (4), no person shall build on the Dartmouth common.

(4) A person may build an addition to a building located on the lands described in the Schedule to Chapter 87 of the Acts of 1994, An Act to Amend Chapter 68 of the Acts of 1986, the *Dartmouth Common Act*, if the building and the addition are both totally located on those lands.

(5) The Dartmouth common is held by the Halifax Regional Municipality in trust for the inhabitants of the municipality.

Funding of Halifax Regional School Board

530 (1) The council of the Halifax Regional Municipality shall

provide to the Halifax Regional School Board at least the amount of additional funding that was provided to the Halifax District School Board in the fiscal year beginning April 1, 1995, to be used solely for the benefit of the area that was formerly the City of Halifax.

(2) The guaranteed amount payable pursuant to subsection (1) shall be recovered by area rate levied on the assessed value of the taxable property and business occupancy assessments in the area that was formerly the City of Halifax.

(3) The council of the Halifax Regional Municipality shall provide to the Halifax Regional School Board at least the amount of additional funding that was provided to the Dartmouth District School Board in the fiscal year beginning April 1, 1995, to be used solely for the benefit of the area that was formerly the City of Dartmouth.

(4) The guaranteed amount payable pursuant to subsection (3) shall be recovered by area rate levied on the assessed value of the taxable property and business occupancy assessments in the area that was formerly the City of Dartmouth.

(4A) The area rate referred to in subsections (2) and (4) may be different for commercial property and business occupancy assessments than for residential and resource property.

(5) Subject to subsection (6), the amounts guaranteed pursuant to subsections (1) and (3) may not be decreased by more than ten per cent of the amounts specified in subsections (1) and (3), respectively, in any year, beginning in the fiscal year commencing April 1, 1996.

(6) The council of the Halifax Regional Municipality and the Halifax Regional School Board may agree to reduce the amount of the guarantees at a faster rate than is permitted pursuant to subsection (5).

(7) Funding provided pursuant to this Section is in addition to funding provided pursuant to the *Education Act*.

530A (1) For the purpose of this Section, “student” means the students who are counted for purposes of calculating the “funding enrolment” under Section 1 of Schedule “A” of the Governor in Council Education Act Regulations made under Section 146 of the Education Act.

(2) Where the council of the Halifax Regional Municipality provides additional funding to the Halifax Regional Board under subsections 530(1) and (3), the council shall provide additional funding to the Conseil scolaire acadien provincial.

(3) The additional funding for the Conseil scolaire acadien provincial must be

(a) a share of the additional funding provided under subsections 530(1) and (3); or

(b) an amount in addition to the amounts provided under subsections 530(1) and (3).

(4) The Conseil scolaire acadien provincial's additional funding is determined by

(a) in the case of clause 3(a), taking the additional funding provided under each of subsections 530(1) and (3), dividing those amounts, respectively, by the total number of students attending both the Conseil scolaire acadien provincial school and the Halifax Regional School Board school whose civic addresses are within each applicable area and multiplying the resulting amounts for each area by the number of students attending the Conseil scolaire acadien provincial school whose civic addresses are within each area; and

(b) in the case of clause 3(b), taking the additional funding provided under each of subsections 530(1) and (3), dividing those amounts, respectively, by the total number of students attending the Halifax Regional School Board school whose civic addresses are within each applicable area and multiplying the resulting amounts by the number of students attending the Conseil scolaire acadien provincial school whose civic addresses are within each area.

(5) The additional funding for the Conseil scolaire acadien provincial must be recovered by

(a) in the case of students attending the Conseil scolaire acadien provincial school whose civic addresses are within the area referred to in subsection 530(1), the area rate referred to in subsection 530(2); and

(b) in the case of students attending the Conseil scolaire acadien provincial school whose civic addresses are within the area referred to in subsection 530(3), the area 530(4).

(6) The additional funding provided for the Conseil scolaire acadien provincial must be used solely for the benefit of schools in the Halifax Regional Municipality.

(7) The Minister may make regulations respecting the information to be provided by the Halifax Regional School Board and the Conseil scolaire acadien provincial to the Halifax Regional Municipality.

(8) The exercise by the Minister of the authority contained in subsection (7) is regulations within the meaning of the Regulations Act.

530B Where the council of the Halifax Regional Municipality provides additional funding to the Halifax Regional School Board other than under Section 530, the council shall provide additional funding to the Conseil scolaire acadien provincial in the same manner as is set out in subsections 530A(1) to (4)

Tax Exemption By-law for Fair Directors

531 Notwithstanding any enactment, the council of the Halifax Regional Municipality may, by by-law, to the extent and under the conditions set out in the by-law, exempt The Directors of The Atlantic Winter Fair, a body corporate incorporated by Chapter 76 of the Acts of 1963, *An Act to Incorporate The Directors of The Atlantic Winter Fair*, from all rates and taxes.

Taxation of Halifax Regional Water Commission

532 (1) For greater certainty, the council of the Halifax Regional Municipality may levy commercial and business occupancy taxes against the property and assets of the Halifax Regional Water Commission situated within the geographical boundaries of the Halifax Regional Municipality.

(2) Notwithstanding subsection (1) and the *Assessment Act*, the Halifax Regional Municipality may enter into agreements with the Halifax Regional Water Commission providing for the payment of grants in lieu of commercial and business occupancy rates and taxes against the property and assets of the Halifax Regional Water Commission within the geographical boundaries of the Halifax Regional Municipality in such amounts annually as shall be agreed upon between the council and the Halifax Regional Water Commission.

By-law regulating pesticides, herbicides, insecticides

533 (1) The council of Halifax Regional Municipality may make by-laws, for municipal purposes, respecting regulation of the application and use of pesticides, herbicides and insecticides for the maintenance of outdoor plants and turf on the part of a property used for residential purposes and on property of the municipality and, without restricting the generality of the foregoing, the by-law may

(a) require the posting of notices when pesticides, herbicides or insecticides are to be so used and regulate the form, manner and time of the notice and the area in which the notice must be posted;

(b) establish a registration scheme, that is open to the public, in which a resident may file with the clerk an objection to pesticides, herbicides and insecticides being so used in the vicinity of the property on which the person resides;

(c) require that notices be served on the residents of properties registered pursuant to the registration scheme within the distance specified in the by-law when pesticides, herbicides or insecticides are to be so used and regulate the form, time and manner of the notice;

(d) provide that pesticides, herbicides and insecticides may not be so used within the distance of a registered property established by the by-law, the requirements respecting notices to residents or owners of properties within the distance of a registered property established by the by-law and the effective date of the prohibition;

(e) specify the circumstances in which posting or serving of notices is not required or the prohibition does not apply;

(f) provide for all other matters necessary or incidental to the establishment of the registration scheme,

but, for greater certainty, a by-law made pursuant to this Section does not apply to property used for agricultural or forestry purposes.

(2) Clause 172(1)(j) does not apply to the Halifax Regional Municipality.

Solid-waste landfill site

534 (1) The provisions of Parts VIII and IX and the municipal planning strategies, land-use by-laws and subdivision by-laws in force in the Halifax Regional Municipality do not apply to the development, establishment, siting, operation or use of a site acquired in Halifax Regional Municipality as a solid-waste landfill site or to the subdivision of land in connection therewith.

(2) Where the solid-waste landfill is sited outside the bounds of Halifax Regional Municipality, Parts VIII and IX and the municipal planning strategies, land-use by-laws and subdivision by-laws in force in the host municipality apply.

(3) The Halifax Regional Municipality shall not charge any costs incurred by Halifax County Municipality in designing or siting the sanitary landfill and in developing the integrated solid-waste resource management strategy of the Halifax Regional Municipality solely to residents of the former Halifax County Municipality, and all such costs incurred after July 1, 1994 shall be paid by the Halifax Regional Municipality from its general rate.

Repayment of sums

535 (1) Notwithstanding subsection 3(11) of Chapter 3 of the Acts of 1995, the *Halifax Regional Municipality Act*, sums borrowed by the Coordinator pursuant to Sections 3 to 9 of the *Halifax Regional Municipality Act* prior to the coming into force of this Act shall be repaid by Halifax Regional Municipality in not more than ten annual installments, as determined by the Council, such sums to be fully repaid no later than March 31, 2006.

(2) Notwithstanding subsection 6(5) of Chapter 3 of the Acts of 1995, the *Halifax Regional Municipality Act*, sums required for the cost of severance benefits for employees of the former municipal governments shall be repaid by Halifax Regional Municipality in not more than ten annual installments, as determined by the council, such sums to be fully repaid no later than March 31, 2006.

(3) Halifax Regional Municipality may borrow the sums required to be paid pursuant to subsections (1) and (2) and such borrowings are for a municipal purpose.

Motor Vehicle Act

536 (1) Notwithstanding the *Motor Vehicle Act*, the use of a red light on a vehicle operated by a special constable employed by Halifax Regional Municipality, in the course of the special constable's duties, is permitted within municipal parks.

(2) Where subsection 194(2) of the *Motor Vehicle Act* requires that signs be erected to make effective a resolution restricting the use of a highway, the local authority of Halifax Regional Municipality, at least three days before the effective date of such a resolution, may cause a notice to be published in a newspaper circulating in the Halifax Regional Municipality stating the effect of the resolution, and the publication of the notice fulfills the requirement of subsection 194(2) of the *Motor Vehicle Act* to erect signs.

536A *Notwithstanding subsection 45(7), the pension plan adopted by the Halifax Regional Municipality pursuant to that Section may provide for increases in the pensions not exceeding the lesser of six per cent per year and the percentage increase in the cost of living as measured by the change in the Consumer Price Index for Canada prepared by Statistics*

Canada in the years since each such pension became payable, net of any increases previously provided.

536B (1) *The council of the Halifax Regional Municipality may, by policy, to the extent and under the conditions set out in the policy, provide for the reduction of the taxes payable in respect of a residential property in the 2005-06 fiscal year or other fiscal year set out in the policy, including being retroactive to the beginning of the fiscal year, if the percentage increase in the assessed value of the property averaged over the 2005-06 fiscal year or other fiscal year, and such number of immediately previous fiscal years as prescribed by the policy is greater than the percentage prescribed by the policy for the 2005-06 fiscal year or other fiscal year.*

(2) *Without limiting the generality of subsection (1), the policy may provide that*

(a) *the reduction in taxes*

(i) *does not apply to a property, the taxable assessed value of which is less than its assessed value pursuant to Section 45A of the Assessment Act in the 2005-06 fiscal year or other fiscal year set out in the policy, including being retroactive to the beginning of the fiscal year, or*

(ii) *is reduced by the reduction in taxes resulting from the application of Section 45A of the Assessment Act;*

(b) *the reduction in taxes only applies if there has been no change in ownership of the property from the preceding fiscal year other than a transfer or devolution of the property to a spouse, child, grandchild, great-grandchild, parent, grandparent, brother or sister of an owner of the property;*

(c) *the reduction in taxes only applies if the property is owned by an individual or individuals ordinarily resident in the Province or by corporations that are family trusts or farmers' co-operatives whose head offices are in the Province and in which the majority of the issued and outstanding shares are owned or beneficially owned by*

individuals who are ordinarily resident in the Province;

(d) the reduction in taxes only applies if the property was assessed as residential for all of the fiscal years prescribed by the policy and used in the calculation of the tax reduction;

(e) the reduction in taxes does not apply to vacant land;

(f) the reduction in taxes does not apply in respect of any improvements to the property to the extent provided by the policy; and

(g) the reduction in taxes is limited to properties owned by individuals who meet the income thresholds provided by the policy.

536C (1) *In this Section, “vacant building” does not include a seasonal dwelling.*

(2) *The Council of the Halifax Regional Municipality may acquire a property that contains a vacant building if the building is boarded up for a period of time that exceeds the length of time that it may be boarded up under a by-law made pursuant to subclause 172(1)(ja)(iii).*

(3) *Before deciding to acquire a property under subsection (2), the Council shall provide seven days’ notice in writing to the owner, setting out the date, time and place of the meeting at which the decision to acquire the property will be discussed, and the owner must be given an opportunity to appear and be heard before any order is made.*

(4) *Notice under subsection (3) must be provided by service upon the owner or by posting the notice in a conspicuous place upon the property.*

(5) *Where the owner refuses to sell the property, the Council may exercise the power of expropriation under Section 52 to acquire the property.*

(6) *The Council may spend money under Section 65 to acquire the property and improve it.*