

He requested that the Director of Public Works investigate whether or not this is the actual site that the blasting is taking place and in the business of this blasting By-laws if he would use some means of persuasion to get a little more control as far as the blasts are concerned. He said he understood that Municipal Spraying is one of the better companies as far as blasting is concerned. They keep records, but he said he would like an investigation made and a report brought back to the Municipal Clerk. He said he would be quite happy to get a report either from Mr. Gallagher or Mr. Bensted to see if we can get this problem settled. It was therefore moved by Councillor Dunbar, seconded by Councillor Hudson:

"THAT the Director of Public Works be requested to investigate the problem of blasting in the area of a new railway cut by Municipal Spraying Contracting in the Bedford Area." Motion carried.

Councillor Fader brought up the subject of an Unsightly Premises Officer and asked if we still had to wait until the budget is presented to us or can we have any information as to what has been done.

Mr. Bensted advised that the Committee has not made any recommendations as yet. He stated that it was hoped that it would be in the May Session of Council.

Councillor Killam advised that with the non-shareable items that the County is now looking at, there is no way that the County can do anything until we have had word as to what the Province is going to do.

Councillor MacKenzie commented that the unsightly problems are getting progressively worse and that something would have to be done. He stated that there are a few real bad ones - cars along the side of the road, etc. He stated if these are on highway property then highways will have to report to the R.C.M.P. and they will endeavor to have them taken away but if off the highway property, they are left dismantled.

With regard to the R.C.M.P., Councillor MacKenzie, reported that in the past two or three years, we have had a lot of damage to private property, fisherman's freezer plants, throwing of traps on rocks, damage to cottages on the Mooseland and Musquodoboit Roads. He advised that the four R.C.M.P. in the area are spread very thin and would suggest that three is not enough in the area from Ecum Secum to Musquodoboit. It was moved by Councillor MacKenzie, seconded by Councillor Smith:

"THAT the Royal Canadian Mounted Police be requested by letter with copies to Attorney General and the Hon. A. Garnet Brown, to consider adding one or more members to the Sheet Harbour detachment in order to cope with the demand for police service re vandalism, break & entry." Motion carried.

Councillor Deveaux asked when the sewer and water costs would be finished and was advised by the Municipal Clerk that it was hoped to be finished in the near future. Councillor Deveaux asked what effect the interest would have on the individual and asked if a report could be brought in next month.

Councillor Deveaux also spoke on in-camera meetings. He felt that people are entitled to know what is going on at meetings, that there were too many in-camera meetings going on, and he suggested that no more in-camera meetings be held without the full consent of the Members of Council.

Mr. Bensted, Municipal Clerk, advised that there was nothing within the By-laws that says that Committee Meetings are public meetings. Council Meetings, he commented, are public meetings.

Councillor Killam pointed out that the concern of many people is that when a person is not allowed to attend a meeting or hear what is going on, that they suspect, and he expressed the hope that our Committees would be sensitive to that area. He stated that in his judgment, there should be very few occasions when a Committee would say "this is not for publication" and he expressed the hope that all in-camera meetings would be held to a minimum.

Councillor Smith asked if this applied to Boards as well.

The Municipal Clerk advised that Ocean View Manor and the Halifax County Hospital are covered by their own By-laws and whether or not they allow persons in, is their own decision.

It was moved by Councillor Hudson, seconded by Councillor Nicholson:

"THAT the April 20th., 1976 Session of the Municipal Council
be adjourned. Motion carried.

M I N U T E S & R E P O R T S

of the

T H I R D Y E A R M E E T I N G S

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T H I R T Y - E I G H T H C O U N C I L

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M A Y C O U N C I L S E S S I O N

T U E S D A Y, M A Y 1 8 t h ., 1 9 7 6

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MINUTES OF THE MAY SESSION OF THE MUNICIPAL COUNCIL
OF THE THIRD YEAR COUNCIL OF THE THIRTY-EIGHTH COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX

Resolution
Resolution
Resolution
Sackville
Sackville
School Board
School Board

The May Session of the Council of the Municipality of the County of Halifax convened at the Municipal Administration Building at 10:00 a.m., Tuesday, May 18th., 1976 with Warden Ira S. Settle presiding.

Warden
Warden

Following the Lord's Prayer, the Municipal Clerk called the Roll.

It was moved by Councillor Anderson, seconded by Councillor Williams;

"THAT Miss Doris Leonard be appointed as Recording Secretary for this Session of Council." Motion Carried.

Mr. Bensted advised that, as indicated in the Report of the Finance and Executive Committee, that Committee was hoping to meet with the Minister of Education and the Minister of Finance of the Province of Nova Scotia prior to this Session of Council. This meeting could not be arranged before this Council Session and it has now been arranged for eleven o'clock today. The Municipal Clerk commented that this was not the best hour to meet with them but the Finance and Executive Committee feel that this meeting is most desirable and will recommend to Council that this meeting be proceeded with in order to discuss the non-shareable items of the Municipal School Board Budget and the Committee will recommend to Council that this Session adjourn at eleven o'clock and re-convene at one o'clock in order to allow the Committee to have this meeting. This recommendation will be brought forward at 10:40.

Councillor MacKenzie reminded Council that there was another function taking place at 4:30 p.m. He was advised by the Municipal Clerk that if it is necessary for a meeting of the Finance and Executive Committee on their return, it will be a very short meeting.

Councillor MacKenzie wondered if it would not be advisable to adjourn until tomorrow morning but was advised by the Municipal Clerk that it would not appear necessary at this time.

Mr. Bensted, Municipal Clerk then introduced the letters and communications commenting that there was just one letter received from the Minister of Transport with regard to correspondence from the residents of Porter's Lake area referring to an application under the Navigable Waters Protection Act.

Approval of the Minutes was the next item dealt with. It was moved by Councillor McCabe, seconded by Councillor MacKenzie:

"THAT the Minutes of the April Session of the Municipal Council held on April 20th., 1976, be approved." Motion carried.

The Municipal Clerk stated that the next item was a Resolution which had been deferred from the April Session of Council but as there were a number of people in the gallery interested in the Report of the Planning Advisory Committee, it might be advisable to deal with the Report of the Planning Advisory Committee at this time.

Council agreed and the Report of the Planning Advisory Committee was then dealt with. Mr. Bensted, outlined the report advising that the Committee had held Public Hearings on three of the items.

With regard to Application No. 25-74 - Garfield Drake, who was requesting rezoning at Glen Margaret from G - General Building Zone to T-Mobile Home Park Zone the Committee was recommending rejection of this zone request as a result of the Public Hearing.

It was moved by Councillor Nicholson, seconded by Councillor Lawrence:

"THAT the Report of the Planning Advisory Committee be approved." Motion carried.

It was moved by Councillor Gaetz, seconded by Councillor Slauenwhite:

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by rezoning lands of Ewart Wiseman, Being Lot "E" of the Stanley Ernst Havil Subdivision, Highway No. 1 (Middle Sackville)

MAY 18th., 1976 Continued

from R-1 (Residential Single Family Dwelling Zone)
to C-1 (Commercial Local Business Zone).
Application No. 51-75." Motion carried.

It was moved by Councillor Gaetz, seconded by Councillor Fader:

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by rezoning lands of C.H.S. Developments Limited on Highway No. 101 at Sackville from R-1 (Residential Single Family Dwelling Zone) to TH (Townhouse Zone). Application No. 9-76." Motion carried.

Deputy Warden Streach apologized for being a few minutes late and advised that he had been held up in traffic. He asked in dealing with the Report of the Planning Advisory Committee what action had been taken with regard to the Garfield Drake property and he was advised by Warden Settle that the Planning Advisory Report had been approved by Council and that it had contained the Committee's recommendation to reject this request.

Deputy Warden Streach asked if the first part of the Agenda had been dealt with and was advised by Warden Settle that certain parts had been dealt with but as there were people in the gallery interested in the Planning Advisory Report, it was decided by Council to deal with it.

Deputy Warden Streach asked if there had been any discussion with regard to the Drake property and stated that there were some points he would like to bring out. He stated he was quite concerned at the time of the Public Hearing and fully intended to speak on this application and asked if it were possible for him to do so at this time.

Mr. Hooley, Municipal Solicitor, advised that it was a rather difficult situation and it would necessitate the unanimous consent of Council, in order to proceed.

Deputy Warden Streach said he had no desire to change the decision of Council but would like the opportunity to make a few comments.

The Municipal Solicitor advised that this would require the full consent of Council.

Councillor Gaetz stated that he had tried to get up to speak but that the motion was put before he had an opportunity to rise.

After some discussion, it was agreed to allow Deputy Warden Streach to speak on this item.

Deputy Warden Streach commented that it had always appeared to him that in dealing with Public Hearings the Planning Advisory Committee has tried to come to a fair conclusion. He commented that with regard to this particular Public Hearing there had been a great deal of input. He stated that in this Public Hearing, we had the difference of a man who has been in business for six years and because of the system he was in the "General" zone and because of the requirements he is required to be in a Mobile Home Park Zone. He commented that this man's business is his investment and that is why he, Deputy Warden Streach, is concerned.

Deputy Warden Streach commented that our Department of Development, had not objected to this development; the Building Inspector would have no objection to issuing a Building Permit; the Health Department after bringing several items to the attention of the owner, is satisfied with the health requirements - and, commented Deputy Warden Streach, those are the three requirements needed to get a building permit, but before he gets this the land has to be rezoned.

Deputy Warden Streach said he visited the site concerned. He said he had spoken to a couple of people and met Mr. & Mrs. Drake and viewed the camp site and was reasonably impressed. He said he did not care particularly for the size of the site. He thought the type of operation was good and it was a good place for the operation. He noted that Mr. Drake had a boat which he used for deep sea fishing, and he wondered why he should vote this man out of business. He added that the Department of Tourism gives this park a high rating and he added that with all these points why the Planning Advisory Committee objected to this operation and felt that the only thing he could come up with was compassion for the people of the area who had spoken against the operation. He added that the people had a good submission and the Planning Advisory Committee with the facts they had before them, came to the right decision, however, he felt that the fact that one member did go and visit the site should warrant some reconsideration. He felt it should be under the Department of Tourism and that the man should not be put out of business because it is objectional to some people in the area.

He added that he was a farmer in Elderbank but if any of his neighbours objected to any odours coming from his barn, did this justify their coming in and putting him out of business? He felt if the Members of this Council did not reconsider this application it is a serious matter. Tourism, he added, is very prime in that area, and the amount of business that camp sites are doing is good for our economy, and he asked that this application be reconsidered and deferred.

Mr. Bensted, Municipal Clerk, commented as to the procedure in dealing with the Planning Advisory Report. He stated that the Report has been brought to Council and has been adopted. He stated that if some member of Council wishes to make a resolution to approve the application, it would be in order provided the mover of the resolution could get a seconder.

Councillor Lawrence stated that as Councillor for the District - she was of the opinion, that debating the Planning Advisory Committee's Report was out of order. Council had had a long discussion as to whether Public Hearings would be held by Council as a whole, or by the Planning Advisory Committee and it was agreed to have all Public Hearings conducted by the Planning Advisory Committee and she commented that this had all the aspects of being a Public Hearing.

Councillor Lawrence commented on the remarks of Deputy Warden Streach with regard to tourism. She agreed that tourism is of prime importance but wanted to point out that Mr. Drake's camping ground was started six years ago. It was objected to in a community that was almost totally residential. This is a business, she stated, that has come into the community and the community acted strongly at the Public Hearing. She wanted to make it quite clear that there were strong objections against it. She commented, that she, herself, before the Public Hearing had not been approached by anyone who was in favour of approval of this operation.

Councillor Gaetz commented that he heartily concurred with Deputy Warden Streach, that we were throwing this man out of business, that he appeared to have met all the requirements.

Deputy Warden Streach asked if it would be in order to introduce new evidence if there was any.

The Solicitor advised that under the Planning Act, the Council of the Municipality of the County of Halifax has the authority to enact the Zoning By-law. Council has delegated this authority to the Planning Advisory Committee. The Planning Advisory Committee had held a Public Hearing - it was advertised - people had the opportunity to speak. It was well known in the area that this Public Hearing was being held, and it was his opinion that it would be undermining the authority the Council has placed on the Planning Advisory Committee to bring in new evidence.

Deputy Warden Streach asked if there were a petition by the people of Glen Margaret, could it be introduced.

Councillor Lawrence commented that the Solicitor had already ruled on this matter.

Deputy Warden Streach stated that he lived in Elderbank but if he had not gone to Glen Margaret and viewed the operation, he would not be speaking on the matter today.

It was moved by Councillor Hudson, seconded by Councillor Killam:

"THAT Council adjourn until 1:00 p.m."
Motion carried.

AFTERNOON SESSION

Council re-convened at 1:00 p.m. with Warden Ira Settle presiding.

The Municipal Clerk called the Roll.

The Warden announced that Council Members had been in the middle of a discussion on the Garfield Drake Application when Council had adjourned.

Deputy Warden Streach advised that he would like to make a couple of remarks. He wanted to apologize to Council Members for statements he had made which may have caused Members to feel that he was unduly criticizing them for bringing the Report of the Planning Advisory Committee forward on the Agenda and hoped that they would appreciate his concern when he entered the Council Chambers, that he did not realize at the time, that it had been brought forward to

facilitate those people attending in the gallery. He also wanted to thank Council for allowing him to bring the issue to the floor. He stated that as far as he was concerned, he had done what he felt, as a representative of Halifax County on the Planning Board, was needed to be done and hoped that Councillors would follow their own convictions. He said it was his understanding that the application could be appealed to the Provincial Planning Appeal Board and knowing this, he did not feel that Councillors were "pulling the ropes" on this man.

The Solicitor, advised that the applicant does have an appeal available to him before the Provincial Planning Appeal Board if he is not satisfied with the decision of this Council. He advised that there are higher authorities that can judge on this action, and he did not feel that Council should allow this Session to become a Public Hearing and should vote on the matter as quickly as possible. If there is new evidence, he stated, the applicant could make a new application to the County, and if there is new information the wheels can be set in motion once again.

Councillor Gaetz wondered how expensive this would be to this gentleman - he is already in an established business. He commented that he sympathized with Councillor Lawrence but said that many of the Districts are faced with similar circumstances. He stated that he was proud that the matter had been discussed on the floor of Council.

Councillor Slauenwhite said that Council was not holding a Public Hearing and that it was correct that this matter should be discussed at this time.

The Solicitor, commented that his remarks had been misconstrued, that he had meant that Council should not let this matter become a Public Hearing. He commented that Council has a responsibility to discuss issues before making a decision.

Councillor Hudson stated that she could not vote against the decision of the Planning Advisory Committee until we had all the information, and she felt there was no way we could get that, that certainly not all the information available was contained in the Report of the Planning Advisory Committee. She stated she could not go against the decision of the Committee as they had held the Public Hearing and they made the decision.

Councillor Dunbar stated that he concurred with the remarks of Councillor Hudson. He said there were many points that had arisen at the meeting of the Planning Advisory Committee and the Public Hearing that had not been brought forth today. He felt that this Council should not become a Public Hearing. He commented that if Council wished him to bring out any further points he could do so and if this was the wish of Council he would continue otherwise he thought that Council should vote and leave it at the decision of the Committee.

Councillor Lawrence stated that, as Councillor for the District and a Member of the Planning Advisory Committee, she felt that the matter should be voted on now.

Councillor Deveaux agreed with Councillor Lawrence, and said there was no reflection on the Planning Advisory Committee. He stated there was a lot more information placed before the Committee and felt that this was one case where he felt that Public Hearings should be held by the full Council. He commented that he felt sure there would be other instances such as this and if Public Hearings were held by Council, there would be no excuse for Councillors not knowing the whole story. He commented that Councillors had to base their decision on the facts that were placed before them.

Councillor Anderson expressed the opinion that the discussion this morning proved that the system of Public Hearings before a Committee should be abolished, and held by the Municipal Council. He stated he would support the decision of the Committee.

Deputy Warden Streach agreed with Councillor Slauenwhite that Council presumably is the place to discuss these matters. He said he believed that Councillors had the right to question any decision made by any Committee. He said he did not feel that this had turned into a Public Hearing, that we were merely discussing the decision made by the Committee.

It was moved by Deputy Warden Streach, seconded by Councillor Gaetz:

"THAT the Application No. 25-74 - Garfield Drake, Highway No. 333, Glen Margaret, to change Lot "A" Lands of Garfield Drake, at Glen Margaret from "G" - General Building Zone to "T" - Mobile Home Park Zone, be approved."

A standing vote was taken on this motion with the result three (3) for; fourteen (14) against. Warden Settle declared the motion defeated.

Councillor Hudson requested that the Planning Advisory Committee have a look at the minimum size for camping grounds, also suggesting that there should be a buffer zone of trees around a camp site.

It was moved by Councillor Hudson, seconded by Deputy Warden Streach:

"THAT it be recommended that the Planning Advisory Committee consider the size of the area of proposed camping sites." Motion carried.

Councillor Nicholson advised that a report is being prepared by the Provincial Government for Dalhousie University on this matter and as soon as this comes in we shall receive copies if it has been approved by the Provincial Government.

Warden Settle announced that the Solicitor, Mr. Hooley, had a matter which he wished to bring to the attention of Council at this time.

Mr. Hooley advised that there is presently a Bill before the House to amend the financing of the Halifax-Dartmouth Bridge Commission which would mean that any operating deficits of the Bridge Commission would be shared by the three municipalities - Halifax, Dartmouth, and the Municipality of the County of Halifax, their share being forty percent (40%) - the City of Halifax (22%), the City of Dartmouth (13%) and the Municipality of the County of Halifax (5%). He stated if this amendment goes through the Municipality would be responsible for 5% of the operating deficit of the Halifax-Dartmouth Bridge Commission.

Councillor MacKenzie asked if we had an opportunity to present an alternative. He felt it was high time the Province assumed the full responsibility of the bridges across the Harbour.

It was moved by Councillor Nicholson, seconded by Councillor Anderson:

"THAT the Municipal Solicitor and the Warden be authorized and are hereby so authorized to appear before the Law Amendments Committee with respect to proposed legislation re amendments to the Halifax-Dartmouth Bridge Commission." Motion Carried.

Mr. Bensted announced that the following resolution had been deferred from the April Session of Council. It was moved by Councillor Williams, seconded by Councillor Deveaux:

"THAT the Municipal Council recommend to the Chairman of the Nova Scotia Power Corporation that consideration be given to establishing the oil surcharge re power bills as follows:

"Any homeowner using 800 kilowatt hours or less, pay no fuel adjustment charge and those over 800 kilowatt hours be charged a maximum of \$15.00 re fuel adjustment charge, and that a copy of this resolution go to the Chairman of the Board of Public Utilities and the Members of the Legislative Assembly of the Province of Nova Scotia." Motion carried.

Councillor Williams stated that what he had said was that they not be allowed to charge the homeowner anymore than \$15.00. He said he had picked up a couple of bills from widows and stated that the homeowners were being hit pretty hard, though he and everyone else realized that they must pay something. He stated that the gasoline taxes are the highest in Canada and the Government should show a little compassion. He felt they could take half of the gasoline tax and put it into the energy tax. Homeowners and Senior Citizens would benefit by this motion going through. He said he personally felt that we should ask the Power Corporation for this to be reacted.

Councillor Nicholson commented that he was not saying that it would be accepted but it would be a good thing if it were. He felt there was nothing wrong with the motion and he would support it.

Councillor Slauenwhite stated that you just don't transfer a bill from one pocket to the other and felt that the Corporation had made a mistake when they showed the energy adjustment.

Councillor Killam said he was not completely aware of the increased cost and stated that future cost factors are now in the hands of the Board of Commissioners of Public Utilities and asked if it would be valid to make a submission to that Board.

Councillor McCabe commented that he had not been concerned with the oil charge in his District but that the kilowatt hours had increased to such an extent that some had gone up as much as four and five times, and no way was it possible for people to use that much power. He stated he would like to have the discrepancies in kilowatt hours looked into.

Councillor Williams said that it has not been explained where this increase is - the contract was signed in 1971 and does not end until the end of this year, and he felt it was time we let the Government know we had been led "down the garden path".

Mr. Bensted then brought up the three By-laws which had been deferred from the April Session of Council.

After some discussion on the By-law with regard to blasting, it was moved by Councillor Nicholson, seconded by Councillor Dunbar:

"BE IT RESOLVED THAT the following be and the same is hereby adopted and enacted as a By-law of the Municipality of the County of Halifax when and if the same has received the approval of the Minister of Municipal Affairs, and that the Municipal Clerk be and he is hereby instructed to forward the same to the Minister and request his approval hereof." Motion carried.

1976

SESSION

BY-LAW NO.

A BY-LAW RESPECTING BLASTING AND DANGEROUS MATERIALS

Short Title

1. (1) This By-law shall be known as and may be cited as the "Blasting and Dangerous Materials By-law"

(2) This By-law shall apply to the following Districts of the Municipality: 1, 3, 4, 5, 6, 7, 10, 14, 15, 16, & 17.

PART 1 - BLASTING

Prohibited Without Permit

2. No person shall in the Municipality commence blasting operations or discharge or cause to be discharged in the Municipality any blast resulting from the use of an explosive without first obtaining from the engineer a permit therefore.

Application

3. The applicant for a blasting permit shall state in his application:

- (a) the name, occupation and address of the applicant;
- (b) the purpose of the proposed blasting;
- (c) the depth to which it is proposed to blast;
- (d) the date upon which it is proposed to commence blasting and the probable duration thereof;
- (e) the contractor engaged in the work, if any;
- (f) such plans of the property where the blasting is to take place and of adjoining properties and showing the locations of the proposed blasts as the engineer may require; and
- (g) such other information as the engineer may require,

Permit may be issued

4. (1) The engineer may issue a permit to the applicant and may impose such terms and conditions as to the period during which such permit shall be in effect, which shall not exceed one year from the date of the issue thereof, methods of blasting, size of charges, period during which blasting may be carried on and such other matters as he deems necessary for the protection of lives and property. The engineer may refuse to issue a permit if he is of the opinion that the same will endanger lives or property.

Refer to
Committee

(2) The engineer may, before issuing a permit, refer the application therefor, to the Public Works Committee of the Municipality, with a report and a recommendation and the Committee shall consider the same and may direct the engineer to either issue or refuse to issue such permit. The engineer shall thereupon obey the direction of such Committee and if the Committee has directed the issuance of a permit the same shall be issued subject to the terms and conditions imposed by the Committee.

Fee

(3) The fee for such permit shall be five dollars (\$5.00).

Appeal

5. (1) The applicant, if the engineer refuses to grant a permit or if the applicant is aggrieved by the terms and conditions so imposed, may appeal to the Council from the refusal of the engineer or such terms and conditions by notice in writing filed with the clerk stating the grounds upon which he appeals and a copy of such notice shall be delivered by the Clerk to the engineer.

Hearing by
Committee

(2) The Council shall hear such appeal at a time and place to be decided by the Clerk and may grant or refuse the application or may grant the application upon such terms and conditions as in the absolute discretion of the Council are considered proper for the effective carrying out of the purposes of this By-law and the decision of the Council thereon shall be final and without review or appeal, and the failure to comply with such terms and conditions imposed by such Council shall constitute a violation of this By-law.

Records

6. (1) the holder of a permit shall;
- (a) maintain a continuous record showing the total weight of explosives and the number of detonators delivered each day to the work and the disposal made of the explosives and detonators not used.
 - (b) maintain a record of each blast, indicating the number of holes, times, location, weight of explosives and timing period,
 - (c) make a return at the end of each month to the engineer clearly setting forth the above information.
- (2) The records referred to in subsection (1) shall at all times be available for checking by the engineer.

Insurance
Coverage

7. (1) Every application for a permit shall be required to produce evidence that he has in effect public liability coverage in an amount not less than fifty thousand dollars (\$50,000.00) for any one claim and one hundred thousand dollars (\$100,000.00) for more than one claim on account of any one accident and for property damage coverage in an amount not less than fifty thousand dollars (\$50,000.00) for any one accident and no permit shall be issued by the engineer until the applicant has produced such evidence.

Suspension
of Permit

(2) If the engineer is satisfied that any holder of a permit under this By-law has improperly stored, handled or transported explosives or has not used explosives carefully, competently or safely, he may suspend the permit and shall report his action to the Public Works Committee and the Public Works Committee shall report thereon to the Council and the Council may continue or terminate the suspension or revoke the permit. If the conditions giving rise to the suspension of the permit have been remedied, Council shall restore the permit.

Permit not
to issue

(3) The engineer shall not issue a permit to any person whose permit has been suspended or revoked without the approval of the Council.

Blasting caps

8) No explosive charge used in blasting shall be set off except by means of an electric blasting cap; provided however, that the engineer may by special permission in writing, permit the use of fuse for this purpose.

Times

9. Without special permission in writing therefore, no blast shall be set off except between the hours of eight o'clock in the forenoon and six o'clock in the afternoon.

Under Sixteen

10. It shall be a violation of this by-law to employ any person under the age of sixteen years in any capacity or about any place where blasting operations are being conducted.

PART 11 - DANGEROUS MATERIALS

Spontaneous Combustion

11. No person shall accumulate or cause to be accumulated in a place where a fire arising from it might be reasonably expected to spread any damp hay, straw or any other material which is liable to cause spontaneous combustion.

Storing inflammables

12. No person shall store or cause to be stored any wood, coal, paper, sawdust or any other inflammable material near a stove, a furnace, an engine, gasoline or other inflammable spirits, explosives or any other source of fire where a fire originating from such source might be reasonably expected to be aggravated by the presence of the inflammable material.

Wiring

13. No person shall install, cause to be installed, or use in premises which he owns or occupies any electrical wiring, fixtures, or appliances the conducting parts of which are not adequately insulated according to proper engineering standards.

Fireworks

14. (1) No person shall process or use pyrotechnic or explosive fireworks without the permission of the engineer and in accordance with the conditions which the engineer may impose.

(2) Any permission granted by the engineer under subsection (1) of this section shall not affect any civil liability which might arise as the result of the possession or use of pyrotechnic or explosive fireworks.

Permit for storage of combustibles and explosives

15. (1) No person shall use a building for the storage or manufacture of high combustibles or explosives in the Municipality unless he has first obtained a permit from the building inspector to do so.

Form of Application

(2) Every application for a permit under this Section shall be made in writing and be filed with the building inspector.

Dem

(3) The application shall set forth the character of the building to be used, and of the combustibles or explosives to be stored or manufactured therein, and any other information the building inspector may require.

Issue of Permit

(4) The building inspector shall, after an examination of the building described in the application and after hearing the applicant and any person objecting to the granting of such permit, issue or refuse to issue the permit.

Penalty

(5) Every person who fails to comply with this Section shall be guilty, of an offence and liable on summary conviction to a fine not exceeding five hundred dollars (\$500.00) and in default of payment to imprisonment for a period not exceeding two months.

Appeal from Building Inspector

(6) An appeal shall lie to the Municipal Building Board by any person affected by the decision of the building inspector made under the provisions of this Section. The Municipal Building Board shall either uphold or alter the decision of the building inspector. Notice of any such appeal shall be sent by prepaid letter to all persons who have given notice of their objections to the decision of the building inspector.

PART 111 - PENALTY

Penalty

16. Every person who violates any of the provisions of this By-law or who fails to comply with the terms and conditions of any permit issued under the authority of this by-law shall be liable to a penalty not exceeding one hundred dollars (\$100.00) and in default of payment thereof to imprisonment for a period not exceeding sixty (60) days.

PART IV - REPEAL

Repeal

17. All former Fire and Explosives By-laws passed by Council are hereby repealed and this by-law substituted therefore.

It was moved by Councillor Hudson, seconded by Councillor Dunbar:

"BE IT RESOLVED THAT the following be and the same is hereby adopted and enacted as a By-law of the Municipality of the County of Halifax when and if the same has received the approval of the Minister of Municipal Affairs and that the Municipal Clerk be and he is hereby instructed to forward the same to the Minister and request his approval hereof." Motion carried.

1976

SESSION

BY-LAW NO.

A BY-LAW RESPECTING GRAVEL PITS AND EXCAVATIONS

Title

1. (1) This By-law shall be known as and may be cited as the "Excavations By-law".

(2) This By-law shall apply to the following districts of the Municipality: 1, 3, 6, 7, 10, 14, 15, 16, and 17.

Prohibited without a permit

2. No person in the Municipality shall own, operate or work, or prepare to operate or work, or commence to operate or work a gravel pit, or cause the same to be done, or make or cause to be made an excavation for the purposes of quarrying or otherwise, without first obtaining from the Engineer, a permit therefor.

Application for permit

3. The applicant for a permit under this By-law shall state in his application for such permit:

(a) the name, occupation and address of the applicant;

- (b) the location of the proposed gravel pit or where the proposed excavating or quarrying is to be carried out;
- (c) the purpose of the proposed excavating or quarrying the area to be involved in the excavating or quarrying and the depth to which it is proposed to excavate or quarry;
- (d) the date when such excavating or quarrying is proposed to commence and the probable duration of the same;
- (e) the name and address of the owner of the land upon which such excavating or quarrying is to take place;
- (f) if the applicant is not the owner of the said land, the written consent of the owner to such excavating and quarrying;
- (g) the name of the contractor engaged in the work, if any;
- (h) whether blasting will be necessary in connection with the work and if so to what extent;
- (i) such other information as the Engineer may reasonably require to determine whether the proposed excavation meets the requirements of this By-law, including, if deemed necessary, maps, plans, drawings, test results, and surveys.

Terms and Conditions

4. The Engineer may issue a permit for the carrying out of such work to the applicant and may impose such terms and conditions for the carrying on of the proposed work and the restoration of the surface of the land upon which any excavating or quarrying has been or is proposed to be carried on as he deems necessary. The Engineer may refuse to issue a permit hereunder if he is of the opinion that the same is unnecessary or that it will result in the creation of a public nuisance.

Bond

5. The Engineer before issuing a permit hereunder and as a condition precedent to his doing so may:

(a) require the applicant or the owner of the property upon which such quarrying or excavating is proposed to be carried on to provide a bond to the satisfaction of the Engineer conditioned upon compliance by the applicant for such permit, the owner of the property and the contractor engaged in the work (if any) with the provisions of this by-law and the terms and conditions prescribed by the Engineer or the Public Works Committee of the Municipality as herein provided in an amount satisfactory to the Engineer.

Protection of Lives and Property

(b) require the applicant and the owner of the said property to agree to comply with such other terms and conditions as the Engineer may from time to time impose for the purpose of protecting health, lives and property from injury as a result of such quarrying or excavating operations and from the creation of a public nuisance.

Appeal to Council

6. (1) The applicant, if the Engineer refuses to grant a permit hereunder or if the applicant is aggrieved by the terms and conditions so imposed, may appeal to the Council from the refusal of the Engineer or such terms and conditions by notice in writing filed with the Clerk stating the grounds upon which he appeals and a copy of such notice shall be delivered by the Clerk to the Engineer.

(2) The Council shall hear such appeal at a time and place to be decided by the Clerk and may grant or refuse the application or may grant the application upon such terms and conditions as in the absolute discretion of the Council are considered proper for the effective carrying out of the purposes of this By-law and the decision of the Council thereon shall be final and without review or appeal and the

failure to comply with such terms and conditions imposed by such Council shall constitute a violation of this by-law.

Restoration of lands

7. Any person who has operated or is operating a gravel pit or quarry or who has conducted or is conducting quarrying operations in the Municipality, or who has made any excavation in the Municipality, and the owner of the land upon which such operations are being or have been conducted or upon which an excavation has been made, if the person operating such gravel pit or quarry or conducting such quarrying operations or who has made such excavation is not the owner of such land, shall restore the surface of such land to such condition, no more unsightly than before the operations were conducted, as the Engineer, or the Council if an appeal has been made as hereinbefore provided, may require, within such time, but not less than thirty (30) days, as the Engineer or the Council may direct and failure to comply with such requirement and direction of the Engineer or the Council shall constitute a violation of this by-law.

Report

8. The Council may direct the Engineer to report upon any gravel pit, excavation or quarry in the Municipality, or the Engineer may, without such direction, make such a report.

Preparing of Report

9. If the Engineer reports that, in his opinion, such gravel pit, excavation or quarry is a blighted, unsightly or disfigured area or if the Council of its own motion so considers it to be, the Council may appoint a time and place for a hearing upon such report or motion and shall give the owner of the land upon which such quarrying operations are being or have been conducted or upon which such excavation has been made, the operator of such gravel pit, quarry, or the person making such excavation, not less than ten (10) days notice in writing of the time and place so appointed and shall furnish him at the same time with a copy of such report or motion.

Owner etc. to be heard

10. Such owner, operator or person may appear at the hearing and be heard respecting the matter of such report or motion.

Council may order

11. The Council may, upon the conclusion of the hearing:

(a) instruct the Engineer to revoke or suspend any permit issued in respect of such gravel pit, excavation or quarry;

(b) order such owner, operator or person to restore the surface of such land to such condition, no more unsightly than before the operations were conducted, as the Council may direct within such time, but not less than thirty (30) days, as the Council may require.

12. The provisions of Sections 7 to 11 inclusive do not apply to an excavation or gravel pit opened before the coming into force of this By-law.

Service of order

13. A copy of any order made by the Engineer, the Public Works Committee or the Council directing the restoration of the surface of such land shall be served upon such owner, operator or person if resident in the Municipality, or mailed to him if not so resident and his address is known; if his address is not known a copy of such order shall be published in one newspaper published in the Municipality by one insertion, and a copy of the order shall be posted on the land in question.

Failure to comply

14. If any person fails to comply with an order made under this By-law directing the restoration of any land the Municipality may

enter upon such land and perform the work required by the order and recover the cost thereof from the person or persons to whom the order was lawfully given by action commenced by the Clerk in the name of the Municipality.

Offence

15. Every person who fails to comply with an order respecting the restoration of the surface of any land shall be guilty of a violation of this By-law.

Penalty

16. Every person who violates any of the provisions of this By-law or who fails to comply with the terms and conditions of any permit issued under the authority of this By-law or who fails to comply with an order respecting the restoration of the surface of any land shall be liable to a penalty not exceeding One Hundred Dollars (\$100.00) and in default of payment thereof to imprisonment for a period not exceeding sixty (60) days.

It was moved by Councillor Lawrence, seconded by Councillor Dunbar:

"BE IT RESOLVED THAT the following be and the same is hereby adopted and enacted as a by-law of the Municipality of the County of Halifax when and if the same has received the approval of the Minister of Municipal Affairs, and that the Municipal Clerk be and he is hereby instructed to forward the same to the Minister and request his approval hereof." Motion carried.

1976

BY-LAW NO.

SESSION

A BY-LAW RESPECTING THE REGULATION AND CONTROL OF THE REMOVAL AND MOVEMENT OF TOPSOIL AND EARTH AND THE ALTERATION OF THE GRADE OF LAND

1. (1) This By-law shall be known as and may be cited as the "Topsoil By-law".

(2) This By-law shall apply to the following districts of the Municipality: 1, 3, 6, 7, 10, 14, 15, 16, and 17.

2. In this By-law unless the context otherwise requires:

(a) "clerk" means the clerk of the Municipality;

(b) "engineer" means the engineer of the Municipality;

(c) "environment" means the air, land and water or combination or part thereof within the jurisdiction of the Province of Nova Scotia;

(d) "Municipality" means the Municipality of the County of Halifax;

(e) "remove" or "removal" includes "move" or "movement";

(f) "topsoil" means any soil found above bedrock and the vegetation including trees, growing therein.

3. No person shall in the districts of the Municipality to which this by-law applies, commence to remove any topsoil from its natural location or alter the grade of any land by so doing or otherwise without first obtaining from the engineer a permit therefor.

4. The applicant for a permit under this by-law shall state in his application:

- (a) the name, occupation and address of the applicant;
- (b) the name and address of the land owner if other than the operator;
- (c) a copy of any agreement made between the landowner and the operator;
- (d) the purpose of the proposed removal of topsoil or alteration of the grade of land;
- (e) plans and/or the most recent aerial photography showing:
 - (1) surrounding land use
 - (11) proximity of site to all watercourses which may be affected by the proposed operation.
 - (111) the total extent of the proposed operation indicating its subareas which will be worked during the first and each subsequent season;
- (f) the depth to which it is proposed to remove the topsoil;
- (g) the extent of the alteration of the grade of land to be carried out;
- (h) the configuration and location of the facilities, including berms, ditches, filters, settling, ponds, designed to prevent erosion and/or control and treat surface runoff containing eroded material;
- (i) the configuration and location of all material stockpiles including any materials to be used for site rehabilitation;
- (j) location of disposal sites for waste material including trees, rock, lumber and scrap metal;
- (k) location of disposal sites for fines recovered from treatment facilities;
- (l) entrances and exits to and from the site;
- (m) proposed final contours of the site after rehabilitation;
- (n) the date at which it is proposed to commence the removal of topsoil or alteration of the grade of land and the probable duration of the operation;
- (o) the contractor engaged in the work, if any;
- (p) such other information as the engineer may require to determine whether the permit shall be granted.

5. (1) The engineer may issue a permit to the applicant and may impose such terms and conditions as to the period during which such permit shall be in effect, which shall not exceed one year from the date of the issue thereof, methods of removal of topsoil and alteration of the grade of land, period during which operations may be carried on, protective measures to be taken to prevent erosion and pollution and such other matters as he deems necessary for the protection of the environment. The engineer may refuse to issue a permit if he is of the opinion that the same will endanger or is likely to endanger the environment. Particular consideration shall be given to the following:

- (a) land clearing and stripping of vegetation shall be limited to the area designated for exploitation during that season;

- (b) site rehabilitation shall be carried out on a progressive basis each season;
- (c) prior to revegetation the operator shall submit representative soil samples to a qualified agency for the purpose of determining suitable types of vegetation which will provide a permanent vegetative cover;
- (d) final slopes of the mined area shall not be greater than $1\frac{1}{2}$ horizontal to 1 vertical;
- (e) for the purpose of supporting a healthy vegetative cover, a minimum depth of 12 inches of soil shall either be maintained or replaced over bedrock encountered during the mining operation;
- (f) all liquid effluents including surface runoff shall be controlled and directed to a treatment system and the final effluent from the treatment system shall have an arithmetic monthly average suspended solids concentration not exceeding 25 mg/l with a minimum acceptable concentration in any one sample of 50 mg/l;
- (g) final effluents shall be sampled and analyzed on a weekly basis at the expense of the operator and all analyses shall be performed by a qualified agency or organization; copies of the results of the analyses shall be submitted to the engineer on a monthly basis;
- (h) the engineer or any one acting under his authority may sample final effluents from time to time;
- (i) all waste oils shall be collected in steel drums and removed from the site for disposal at an approved location or by a person or company engaged in the business of collection and disposal of used and waste oils.

(2) The engineer may, before issuing a permit, refer the application therefor to the Public Works Committee of the Municipality, with a report and a recommendation and the Committee shall consider the same and may direct the engineer to either issue or refuse to issue such permit. The engineer shall thereupon obey the direction of such Committee and if the Committee has directed the issuance of a permit the same shall be issued subject to the terms and conditions imposed by the Committee.

(3) The fee for such permit shall be five dollars (\$5.00).

6. (1) The applicant, if the engineer refuses to grant a permit or if the applicant is aggrieved by the terms and conditions so imposed, may appeal to the Council from the refusal of the engineer or such terms and conditions by notice in writing filed with the clerk stating the grounds upon which he appeals and a copy of such notice shall be delivered by the clerk to the engineer.

(2) The Council shall hear such appeal at a time and place to be decided by the clerk and may grant or refuse the application or may grant the application upon such terms and conditions as in the absolute discretion of the Council are considered proper for the effective carrying out of the purposes of this by-law and the decision of the Council thereon shall be final and without review or appeal, and the failure to comply with such terms and conditions imposed by such Council shall constitute a violation of this by-law.

7. (1) Every applicant for a permit may be required by the engineer to file with the Municipality a bond not less than five hundred

dollars (\$500.00) for each acre of disturbed land satisfactory to the engineer in sufficient amount to guarantee the performance by the applicant of the terms and conditions contained in the permit and the completion of the work described in the permit.

(2) If the engineer is satisfied that any holder of a permit under this by-law has failed to comply with the terms and conditions of the permit or has carried on the work in a manner which will adversely effect the environment, he may suspend the permit and shall report his action to the Public Works Committee and the Public Works Committee shall report thereon to the Council and the Council may continue or terminate the suspension or revoke the permit.

(3) The engineer shall not issue a permit to any person whose permit has been suspended or revoked without the approval of the Council.

8. (1) This by-law shall not apply to a lot of land less than one acre in area.

(2) This by-law shall not apply to the removal of topsoil or the alteration of the grade of land where:

- (a) for the purposes of residential construction upon an individual lot;
- (b) for bona fide agricultural purposes;
- (c) for bona fide forest management and use purposes.

9. Every person who violates any of the provisions of this by-law or who fails to comply with the terms and conditions of any permit issued under the authority of this by-law shall be liable to a penalty not exceeding one hundred dollars (\$100.00) and in default of payment thereof to imprisonment for a period not exceeding sixty (60) days).

With regard to the By-law re Topsoil, Councillor Dunbar commented that he had raised the question of certain problems which could arise on lots of less than one acre and asked the Solicitor to investigate this particular point with the possibility of an amendment in some manner.

The problem, he stated, is where an excavation is made on property of less than one acre in size and that excavation remains open and the individual takes no further action as far as that hole in the ground is concerned, which could become a dangerous and unsightly situation. He commented that there was nothing in the By-law to cover this point, but he was advised by the Solicitor that an amendment could be made and at the present time, he asked that Council approve the By-law re Topsoil in principle only and subject to the possibility of an amendment being introduced to cover this type of situation of less than one acre, leaving a hole in a dangerous and unsightly condition.

The Solicitor advised that something could be worded to accomplish this situation.

The next item on the Agenda was the Report of the Warden. It was moved by Councillor Smith, seconded by Councillor Williams:

"THAT the Report of the Warden be received."
Motion carried - with one correction"
Motion carried.

Councillor MacKenzie asked the Warden to elaborate on the programs to assist small rural areas and he was advised by Warden Settle that this pertained to housing.

Referring to the portion of the Warden's Report dealing with the Municipal Infrastructure Housing Program the Municipal Clerk, Mr. Bensted, advised that we have received copies of the

regulations from Central Mortgage and Housing Corporation and Staff Members are determining what effect this might have on the Municipality of the County of Halifax. He stated that before the Municipality is able to apply for these incentive grants it is necessary for the Municipality of the County of Halifax to be designated by the Provincial Government. He stated that to the best of his knowledge, the Provincial Government had not designated any Municipality for this grant and he felt we should ask the Provincial Government to designate this Municipality under this program.

It was moved by Councillor Deveaux, seconded by Councillor Anderson:

"THAT the Provincial Government be urged to proceed to designate the Municipality of the County of Halifax under the Central Mortgage and Housing Corporation Municipal Infrastructure Housing Program." Motion carried.

The Report of the Director of Planning and Development was then considered.

It was moved by Councillor Anderson, seconded by Councillor Gaetz:

"THAT the Report of the Director of Planning and Development be approved." Motion carried.

It was moved by Councillor Nicholson, seconded by Councillor Gaetz:

"THAT the Supplementary Report of the Chief Building Inspector be approved." Motion carried.

It was moved by Councillor Anderson, seconded by Councillor Williams:

"THAT the Report of the Public Works Committee be approved." Motion carried.

It was moved by Councillor Nicholson, seconded by Councillor Anderson:

"BE IT RESOLVED THAT the Warden and the Clerk be and they are hereby authorized on behalf of the Municipality of the County of Halifax to execute a detailed subdivider's agreement with Glengarry Developments Limited subject to approval of the wording of said agreement by the Municipal Solicitor." Motion carried.

It was moved by Councillor Hudson, seconded by Councillor Anderson:

"THAT WHEREAS the Consultants for the Municipality of the County of Halifax, in preparing the Municipal Development Plan, are required to carry out a study with respect to existing planned serviced areas, whereby municipal water and sewer services are being provided; the extension of these planned serviced area boundaries, or the recommendation for approval of additional planned serviced area boundaries, in order for definite recommendations to be made as to how the area within the regional development boundary is to be properly serviced in order to recommend priorities and to establish dollar costs;

AND WHEREAS grants are available from Central Mortgage and Housing Corporation and the Provincial Department of the Environment with respect to such studies;

AND WHEREAS the consultants have been advised of this financial assistance and have prepared applications for submission by the Municipality of the County of Halifax to both of these agencies;

AND WHEREAS it is necessary for a formal resolution of Municipal Council covering these applications;

BE IT RESOLVED THAT the appropriate applications for grants from Central Mortgage and Housing Corporation and the Provincial Department of the Environment be submitted to the appropriate persons at Central Mortgage and Housing Corporation and/or the Provincial Department of the Environment

and the Clerk is hereby instructed to submit such applications;

AND BE IT FURTHER RESOLVED THAT the Warden and the Clerk be and they are hereby authorized, where necessary, to sign any agreements covering these applications." Motion carried.

It was moved by Councillor Anderson, seconded by Councillor Smith:

"THAT the Report of the Board of Management of Ocean View Manor be approved." Motion carried.

It was moved by Councillor Smith, seconded by Councillor Killam:

"BE IT RESOLVED THAT the Warden and Clerk, on behalf of the Municipality of the County of Halifax, be and they are hereby authorized to execute an agreement with Her Majesty, the Queen, in the right of the Province of Nova Scotia, represented in this behalf by the Minister of Education, concerning clinical experience and field training for nursing assistants subject to the approval of the wording of said agreement by the Municipal Solicitor." Motion carried.

The Report of the Municipal School Board was the next item on the Agenda.

It was moved by Councillor McCabe, seconded by Councillor Hudson:

"THAT the Report of the Municipal School Board be approved." Motion carried.

Councillor Deveaux asked if adult education was to be no longer carried out in Halifax County and was advised by the Municipal Clerk that this program would discontinue at the end of June if the budget were approved.

Councillor Deveaux commented that a lot of people in Halifax County have been taking courses in the past few years, and asked if there were no way we could get around this. He was advised by the Municipal Clerk that the final decision was up to Council - what they wished to put into the Estimates.

The Municipal Clerk added, if the Department of Education deem these services are not worthy of being shareable, it is up to the County. If people want these services bad enough they should put pressure on the Provincial Government or pay the full amount of cost.

Deputy Warden Streach commented that as a father of five children, he was very concerned about education in Halifax County and hoped Council Members would share his opinion that when the Finance and Executive Committee dealt with the School Board Budget it was the opinion of the Finance and Executive Committee that the Provincial Government has attempted to take over the education system, and as much as he hoped to see deductions in the School Board Budget, if the Provincial Government is going to takeover education, then they must provide education for the whole of Nova Scotia and he said he was sympathetic toward Councillor Deveaux with regard to adult education, but if the County attempts to go on record and start a program over and above what the Provincial Government is going to take over then it will continue to be that - the program the Government would share in would be less. He suggested that Council not set a precedent, and would suggest that Council support the Report of the Municipal School Board.

Councillor MacKenzie spoke with regard to the Mooseland School. This school had one teacher and the Municipal School Board has decided to close this school. He spoke of the distance young children would have to travel. He stated he had had much representation wanting to keep that school open and hoped that the Municipal School Board would make every representation to the Minister of Education with regard to a teacher for that school.

Councillor Anderson said he was definitely opposed to any reduction in teachers.

The Report of the School Capital Program Committee was then considered.

It was moved by Councillor Nicholson, seconded by Councillor Gaetz:

"THAT the Report of the School Capital Program Committee be approved." Motion carried.

Next was the Report of the Finance and Executive Committee. It was moved by Councillor Gaetz, seconded by Councillor Deveaux:

"THAT the Report of the Finance and Executive Committee be approved." Motion carried.

It was moved by Councillor Hudson, seconded by Councillor Fader:

"BE IT RESOLVED THAT the following be and the same is hereby adopted and enacted as a By-law of the Municipality of the County of Halifax when and if the same has received the approval of the Minister of Municipal Affairs, and that the Municipal Clerk be and he is hereby instructed to forward the same to the Minister and request his approval hereof.

1976

MAY SESSION

BY-LAW NO. 2
THE MUNICIPAL COUNCIL BY-LAW

"THAT By-law No. 2, the Municipal Council By-law be amended by adding immediately after the number (1) in the first paragraph of Section 4 the following,

"Subject to subsection (2)" and by changing the word "The" immediately following to the word "the" and by adding immediately after the subsection the following:

"(2) The Council may, during the months of July and August, if passed by resolution, convene at seven o'clock in the afternoon, on the first day of each meeting or so soon thereafter as circumstances permit, and at each succeeding session at the like hour or at such other hour as if specified on the preceding motion of adjournment."

AND THAT the following subsections of Section 4 be re-numbered (3) and (4) respectively." Motion carried.

Councillor Nicholson commented that he was still against this motion and Councillor Gaetz commented that he feared we would be running into long sessions.

Councillor Williams stated that he was against this change and still is. He stated that Councillors are elected for three years and, he should be able to prove himself in that time. He felt that such a move two months before Municipal Elections was nonsense.

Councillor McCabe said he had spoken with a former Member of Council on this motion and the reply he got was "How Stupid".

Councillor Johnson commented that since he had been in Council there had been many Public Hearings and people had come into hear the part they were interested in and then left. He felt evening meetings were not necessary.

Councillor Deveaux stated that he had been pushing for evening meetings for the past three years. He felt it was not important if there were one person or fifty persons present. The important part was that people are given the opportunity to come and that is what counts.

Councillor Lawrence said she agreed with Councillor Deveaux. She felt that the motion was not nearly good enough but at least it was a start.

Councillor Fader thought it might be an opportunity for people who would be interested to get some idea of the Council Session and who would perhaps like to have their names come up for election.

Councillor MacKenzie said he had never known anyone to speak from the gallery. However, he was willing to support the two evening session as a trial.

Deputy Warden Streach said he shared Councillor MacKenzie's feelings. He stated there was not liable to be anyone in from his District. He felt that if people were able to come out at night, if interested, they would come - and he did not think it would hurt this Council to give

it a try for two months. He commented that it would give people an opportunity to see what happens in Council in those two months.

A standing vote was taken on the motion with the result eleven (11) for; six (6) against. Warden Settle declared the motion carried.

It was moved by Councillor Hudson, seconded by Deputy Warden Streach:

"BE IT RESOLVED THAT the following be and the same is hereby adopted and enacted as a By-law of the Municipality of the County of Halifax when and if the same has received the approval of the Minister of Municipal Affairs, and that the Municipal Clerk be and he is hereby instructed to forward the same to the Minister and request his approval hereof.

1976

MAY SESSION

BY-LAW NO. 10
TAXI BY-LAW

THAT By-law No. 10, the Taxi By-law be amended by repealing subsection (d) of Section 4 and the following substituted therefor;

4. (d) The applicant deposits with the Clerk of Licenses an automobile insurance policy certified by the Insurer as covering the vehicle (s) for use as a taxi and providing public liability insurance, passenger hazard insurance and property damage insurance in an amount of not less than \$100,000.00 without any limit on any particular claim up to the hereinmentioned amount, regardless of the number of persons involved or the nature of the damage; and Motion carried.

It was moved by Councillor Hudson, seconded by Councillor Fader:

BE IT RESOLVED THAT the following be and the same is hereby adopted and enacted as a By-law of the Municipality of the County of Halifax when and if the same has received the approval of the Minister of Municipal Affairs, and that the Municipal Clerk be and he is hereby instructed to forward the same to the Minister and request his approval hereof.

1976

MAY SESSION

BY-LAW NO. 13
A BY-LAW RESPECTING DOGS

"THAT By-law No. 13, the Dog By-law be amended by adding immediately before the word "any" in Section 20 the letter "(a)" and by adding immediately after that subsection the following:

- (b) The poundkeeper shall, with notice to the owner, if the owner can be ascertained, or without notice to the owner if such owner cannot be ascertained, destroy any dog impounded for running at large for the second offence during any twelve month period.

AND THAT Section 17 be amended by adding immediately after the number 17 the following, "Subject to Section 20" and by changing the word "The" immediately following to the word "the". Motion carried.

It was moved by Councillor Nicholson, seconded by Councillor Killam:

"WHEREAS the documents and records of the Municipality of the County of Halifax as set out in the affidavit of Harry G. Bensted, the Municipal Clerk, sworn to the 18th., day of May, 1976 are no longer required;

AND WHEREAS according to the said affidavit the said documents and records have been personally examined by the said Clerk and he has determined that there is nothing of value therein and that the said documents and records do not include any documents or records which are exempt from destruction pursuant to Section 4 of the Destruction of Documents By-law;

BE IT THEREFORE RESOLVED THAT the documents and records as set out in the said affidavit of the said Clerk be forthwith removed and destroyed." Motion carried.

Councillor Hudson spoke with regard to the Report of the Task Force on Arsenic in the Waverley Area.

It was moved by Councillor Hudson, seconded by Councillor Nicholson:

"THAT a letter be forwarded to the Minister of Municipal Affairs, the Minister of the Environment and the Minister of Health, requesting a detailed study with regard to an alternate supply of water for the Waverley Area as based on the Task Force Report." Motion carried.

It was moved by Councillor Hudson, seconded by Deputy Warden Streach:

"THAT the Staff of Mr. Gallagher, Director of Public Works, begin an investigation into some means of an immediate short term water supply for the Waverley Area." Motion carried.

It was moved by Councillor Hudson, seconded by Councillor Fader:

"THAT the Report of the Task Force with regard to Waverley be referred to the County Board of Health for their consideration and necessary action." Motion carried.

Councillor Nicholson commented that in view of the fact that the Northwest Arm Drive will be completed this Autumn that the By-pass of Highway 103 into Beechville is getting ridiculous. It was moved by Councillor Nicholson, seconded by Councillor Killam:

"THAT a letter be forwarded to the Minister of Highways asking immediate serious consideration of some definite improvements to the connection of the No. 3 Highway to the No. 103 Highway at Beechville." Motion carried.

It was moved by Councillor Hudson, seconded by Councillor Fader:

"THAT the County Board of Health consider the matter of disposal of garbage and sewage by the C.N.R. Trains." Motion carried.

Councillor Hudson said that she would like to have the Department of Lands and Forests and the Department of Highways and the Premier asked to co-operate fully with Project Planning Consultants in their efforts to develop the Municipal Development Plan.

The Municipal Clerk advised that he was not aware of any problem - that letters had already gone to the Ministers and to the Department of the Environment asking their co-operation and they have acknowledged that this will be done. He said he would check with Mr. Rankin to ascertain that this is being done.

Councillor Anderson commented that there had been a suggestion that the Planners were going to establish an office in this building, but this has not happened.

Councillor MacKenzie asked if the Report of the Task Force was available to Councillors and he was assured by the Municipal Clerk that any reports that come out will be made available to all areas.

Councillor Fader spoke on the motion that had been moved at the April Session with regard to a letter going to the Minister of Municipal Affairs regarding a study of Districts 15, 16, 17, 18, 19 and 20 and asked if any reply had been received. The Municipal Clerk advised him that as yet, no reply had been received.

Councillor Deveaux commented that he had asked for a report on the interest re water and sewer system. The Municipal Clerk said this was being prepared and would be coming in to Committee and Council.

Councillor Fader asked if there was any report re an Unsightly Premises Officer and was advised by Councillor Killam that with regard to the budget, the Building Inspection Department had brought in a recommendation for more staff with the purpose of making a concentrated effort in all Districts.

The Municipal Clerk advised that as soon as we had the dollars to work with we would be hiring staff.

It was moved by Councillor Nicholson, seconded by Councillor Fader:

"THAT the May Session of Council adjourn."
Motion carried.

MINUTES & REPORTS

of the

THIRD YEAR MEETINGS

of the

THIRTY - EIGHTH COUNCIL

of the

MUNICIPALITY OF THE COUNTY OF HALIFAX

JUNE COUNCIL SESSION

TUESDAY, JUNE 15, 1976

SPECIAL MEETING JUNE 29th., 1976

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MINUTES OF THE JUNE SESSION OF THE MUNICIPAL COUNCIL
OF THE THIRD YEAR COUNCIL OF THE THIRTY-EIGHTH COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX

The June Session of the Council of the Municipality of the County of Halifax convened at the Municipal Administration Building at 10:00 a.m., Tuesday, June 15th., 1976 with Deputy Warden K.J. Streach presiding.

Following the Lord's Prayer, the Municipal Clerk called the Roll.

It was moved by Councillor William's, seconded by Councillor Nicholson:

"THAT Miss Doris Leonard be appointed as Recording Secretary for this Session of the Municipal Council." Motion carried.

Deputy Warden Streach welcomed Mr. Cox, Municipal Solicitor back to the Council Session and expressed to Mr. Cox, how pleased the Council was with the way that Mr. David Hooley had performed in his absence.

Deputy Warden Streach announced that Warden Settle was attending a conference in Vancouver and hoped that the Council Members would be patient with him at this Session.

It was moved by Councillor Nicholson, seconded by Councillor Gaetz:

"THAT the letters and correspondence be received." Motion carried.

Councillor Hudson spoke with regard to the letter on the water supply for the Waverley area and asked if any arrangements had been made for a meeting.

The Municipal Clerk advised Councillor Hudson that he had not yet had a reply back from Mr. Carter of the Department of the Environment, but that a meeting would be arranged as soon as he had had some communication from Mr. Carter.

Councillor Nicholson noted that there was no mention made of an answer with regard to his motion of the May Council Session in connection with the inter-change at Beechville and asked that the Municipal Clerk send a reminder to the Minister of Highways asking for the courtesy of a reply.

It was moved by Councillor MacKenzie, seconded by Councillor Anderson:

"THAT the Minutes of the May 15th., 1976 Session of the Municipal Council be approved." Motion carried.

It was moved by Councillor Nicholson, seconded by Councillor Gaetz:

"THAT the Report of the Warden be received." Motion carried.

Councillor Hudson spoke on the matter of election of School Board Members referred to in the Report of the Warden, and asked when these persons would take their positions. She commented, as it is now, Members of Council remain until March.

The Municipal Solicitor advised that the proposed legislation called for the 1st of February. He added, the legislation, as drafted now, leaves the entire cost of elections to the Municipality as it would be an additional cost imposed by the Department of Education, it should be shareable. He stated that elections would be held at the same time and in the same manner as Municipal Elections - that people who were eligible to vote at Municipal Elections - that people who were eligible to vote at Municipal Elections would also be eligible to vote for School Board elections - the voting places would be the same - that we would no longer be in the position where there could be a district without an election, unless only one person were nominated as member of the Municipal School Board and went in by acclamation.

Councillor McCabe asked if any person would have the opportunity of offering for an elected position on the School Board.

The Municipal Solicitor advised that as the bill is now drafted any person could offer with the exception of a member of the Municipal School Board Staff. He added that the same qualifications would apply as those for Municipal Councillor.

Councillor MacKenzie asked if there were to be defined Districts where a person would be elected to the School Board, and was advised by the Municipal Solicitor that this had not been defined as

yet. He added that the Bill has not been passed as yet.

Councillor Hudson asked if a person were running for Councillor could they run for School Board, and was advised by the Municipal Solicitor that there were no limitations. He added, as the Bill is now drafted, there is nothing to stop a person for running for Council and also the School Board.

The next item on the Agenda was the Report of the Director of Planning and Development.

It was moved by Councillor Slauenwhite seconded by Councillor Nicholson:

"THAT the Report of the Director of Planning and Development be approved." Motion carried.

Councillor McCabe commented on a lot in his District which had been rejected - not recommended by the Board of Health and asked that the man be written and given a reason for the rejection.

The Municipal Clerk advised that the man would be written by the County Board of Health and advised of the reason for the rejection.

The Report of the Planning Advisory Committee was then considered.

It was moved by Councillor Slauenwhite, seconded by Councillor Gaetz:

"THAT the Report of the Planning Advisory Committee be approved." Motion carried.

Councillor Fader asked what the time period was for re-applying after an application for rezoning had been rejected, and was advised by the Municipal Solicitor that a second application could not be made until the 30 day appeal period expired.

The Municipal Clerk advised that if an application is rejected there is an appeal period, and it was his opinion that the second application could not be received until the appeal period had expired.

It was moved by Councillor Nicholson, seconded by Councillor Williams:

"BE IT RESOLVED THAT the Zoning By-law be and the same is hereby amended by rezoning lands of Phoebe Flinn, Millview Subdivision, Bedford, Main Highway, from M (Motel Zone) to C-1 (Commercial Local Business Zone). Application No. 7-76." Motion carried.

It was moved by Councillor Lawrence, seconded by Councillor Nicholson:

"THAT the Report of the Planning Advisory Committee re the Municipal Development Plan be approved." Motion carried.

Councillor Deveaux commented that at a meeting held last Fall, the first draft was supposed to be available in April and it looked now as if it would not be finished until the end of this year.

The Municipal Clerk stated that it was quite possible that it would not be finished until the end of this year. He added that meetings would be set up in various areas of the Districts and any input should come back to the County. He added that it was quite possible that the conceptual plan would have to undergo a fair amount of revision.

It was requested at this point that the Municipal Clerk read the Report aloud. This was done.

Councillor Killam asked if Mr. Bensted could advise the method in which the newsletter referred to in the report would be provided.

Mr. Bensted advised that it would be sent out in the mail as third or fourth class mail so that all people would have a copy. Copies would also be in the Libraries and on the Bookmobiles.

Councillor Gaetz asked how much we were co-operating with the Regional Development Plan.

The Municipal Clerk advised that the situation is that the Municipal Development Plan will have to conform with the Regional Development Plan. The Minister has the authority to make changes in the Regional Development Plan provided the Municipality can give reasons why these changes should take place. He stated that the Minister concerned and his advisors would have to be satisfied as to why the general public will take part in the meetings and ask questions and offer suggestions. The Municipal Development Plan will then set up controls and these controls would replace those