

SPECIAL CITY COUNCIL
MINUTES

Revised

Council Chamber
City Hall
Halifax, N. S.
March 18, 1971
8:05 P.M.

A Special meeting of City Council was held on the above date.

After the meeting was called to order, the members of Council attending, led by the City Clerk, joined in reciting the Lord's Prayer.

Present: His Worship the Mayor, Chairman; and Aldermen McGuire, Abbott, Meagher, Hogan, Allen, Ivany, LeBlanc, and MacKeen.

Also Present: City Manager, City Solicitor, City Clerk, and other Staff members.

The City Clerk advised the meeting was called to discuss the 1971 School Board Budget, Police Department Budget, and Fire Department Budget, Legislation, and Street Lines - Robie Street.

His Worship the Mayor pointed out that most Budget discussions have been in Committee of the Whole Council, and it was then Moved by Alderman Hogan, seconded by Alderman LeBlanc that Council adjourn to meet as Committee of the Whole Council.

The Motion was put and passed with six voting for the same and three voting against it as follows:

For: Aldermen MacKeen, Hogan, Ivany, LeBlanc, Meagher, and Allen. 6

Against: Aldermen Abbott, McGuire, and Sullivan. 3

8:10 P.M. - City Council adjourned to meet as Committee of the Whole Council with Deputy Mayor Ivany in the Chair.

SCHOOL BOARD

Alderman McGuire made reference to a letter in which the School Board made a reply to the City on the implications of cutting their Budget by a total of \$850,000. Following a request of the Committee, Alderman McGuire read the letter as submitted from the School Board after which it was MOVED by Alderman McGuire, seconded by Alderman Abbott that the City Council adopt the 1971 Estimates for the Board of School Commissioners as presented to Council by the City Manager totalling \$19,891,690, inclusive of \$2,117,590.00 added by the City, less an amount of \$350,000.00 representing reductions and deletions offered thus far by the Board and by the Council that approved expenditures be recorded in the revised amount of \$19,541,690.00 including the charges required to be added by the City.

Committee of the Whole
March 18, 1971

On February 27, 1971, the following Motion was recorded:

MOVED by Alderman Sullivan, seconded by Alderman LeBlanc that gross expenditures for Education be reduced by a further \$500,000 in addition to the reduction of \$350,000 recommended by the City Manager, making a total reduction of \$850,000.

On that date, this motion was put and passed, four voting for the same and three against it as follows:

For:	Aldermen Abbott, MacKeen, LeBlanc, and Sullivan	4
Against:	His Worship the Mayor, Aldermen Hogan and Allen	3

Aldermen Abbott said that since that time, he has given very careful thought to the motion dated February 27, and as a result of calls from citizens and the letter from the School Board, he had changed his mind.

His Worship the Mayor spoke in favour of Alderman McGuire's motion but expressed the feeling that Council must have some control over the cost of education, and suggested that if tonight's motion is passed, that an additional Motion should be made with respect to controlling the cost of education in the future.

He pointed out that as a result of a communication from Dr. Nason, the City would receive approximately \$350,000 less which puts a further burden on the tax payer.

After a lengthy discussion in regard to this Budget, Alderman McGuire's Motion was put and passed with Aldermen LeBlanc and Sullivan voting against.

It was MOVED by His Worship the Mayor, seconded by Alderman LeBlanc that:

1. The Board of School Commissioners provide a breakdown in the categories of:
 - (a) the administration costs
 - (b) shared cost items and non shared cost items apart from administration;
2. In matters of extension of services which will have budgetary implications in future years, prior approval of Council be sought before extensions are instituted;
3. That monthly financial statements showing clearly whether the School Board is living within the Budget approved this year be made available to Council.

It was agreed that the Motion be divided.

Item No. 1 was put and passed.

Committee of the Whole
March 18, 1971

Item No. 2: Discussion ensued as to the autonomy of the School Board to propose certain extensions of service. As a result of this discussion, His Worship the Mayor, with the approval of the seconder, reworded Item No. 2 as follows:

"That the Board of School Commissioners consult the City Council before beginning extensions of services which have budgetary implications."

It was then MOVED by Alderman Allen, seconded by Alderman McGuire that consideration of Item No. 2 be deferred until the next meeting of Committee of the Whole and that the contents be forwarded to the members prior to that time.

Motion passed

Item No. 3 was approved after deleting the words "this year" and substituting the word "henceforth".

It was MOVED by Alderman Hogan, seconded by Alderman McGuire that the meeting adjourn for five minutes.

Motion passed.

9:55 P.M. - Meeting adjourned.

10:05 P.M. - Meeting reconvened with same members being present.

POLICE DEPARTMENT

Alderman Allen referred to the letter prepared by the Chief of Police on the implications involved if a 10% reduction were to be made in the Staff of the Police Department. He suggested that the financial effects that would be felt by a cut of 10% would be far outweighed by its disadvantages. He also said that if a cut of this nature were made, the Chief of Police may be forced to come before Council next year requesting very substantial increases over what he would normally be requesting.

It was then MOVED by Alderman Allen, seconded by Alderman McGuire that the Committee recommend to Council approval of the figure of \$2,657,360 as contained in the City Manager's recommendation.

Alderman LeBlanc asked the Chief if it was necessary for policemen to have new uniforms each year.

The Chief replied that policemen who were on patrol in cars, and those on the beat would need a new uniform each year as they are exposed to the weather. It was pointed out that this was included in the collective agreement.

His Worship the Mayor asked that the Chief look at this matter prior to negotiations with the Police Association next year.

Special Council

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After further questioning of the Chief of Police, the motion was put and passed.

FIRE DEPARTMENT

Alderman Allen referred to the budget of the Fire Department and pointed out that the Fire Chief in his considerations of the budget has indicated his willingness to accept some attrition as five members who are retiring will not be replaced this year.

Alderman Allen also pointed out that the Department has been assisting the Public Service Commission and referred to the fact that the Fire Department has been delivering water to the residents outside the hydrant system since annexation. The Department has also been assisting the Commission during recent breakdowns in the water lines. The Chief has pointed out in a previous report that at times, this has reduced the manpower in the annexed area and if it continues, some other means would have to be taken.

The Chief was requested to take this matter under advisement as a matter of policy and indicate to the Commission that the service will be restricted and curtailed as soon as they can make alternative arrangements and suggested that it be no longer than one month to six weeks.

It was then MOVED by Alderman Allen, seconded by Alderman LeBlanc that the Committee recommend to Council approval of the figure of \$2,650,770 as contained in the City Manager's recommendation.

Alderman Hogan expressed concern about the number of firemen in Halifax as compared to some of the American Cities with approximately the same population. He said he would like to have a breakdown of figures to see how these cities operate.

After further questioning of the Fire Chief on the operation of the Fire Department, the motion was put and passed with Alderman Hogan voting against.

10:55 P.M. Committee of the Whole Council adjourned to meet as City Council with same members being present.

OFFICIAL PLAN - SECTIONS 13C AND 13D
- ROBIE STREET (CUNARD TO NORTH) -

A Staff report dated March 18, 1971, was submitted correcting verbal information given by staff members during the Public Hearing on March 17, 1971, relating to the laying down of street lines on Robie Street.

Alderman Meagher gave notice that at the next regular meeting of City Council to be held on March 25, 1971, he would Move to rescind the action taken by Council.

It was MOVED by Alderman Meagher, seconded by Alderman MacKeen that the meeting continue and consider legislation.

The Motion was put and lost.

It was then agreed that the meeting be adjourned until 11:00 a.m., on March 19, 1971.

HEADLINES

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ALLAN O'BRIEN
MAYOR AND CHAIRMAN

R. H. STODDARD
CITY CLERK

Revised (Attachment)

ADJOURNED SPECIAL CITY COUNCIL
MEETING

Council Chamber
City Hall,
Halifax, N.S.
March 19, 1971
11:00 A.M.

An adjourned meeting of City Council was held on the above date.

Present: His Worship the Mayor, Chairman; and Aldermen Abbott, MacKeen, Hogan, McGuire, Allen, and Sullivan.

Also present: City Manager, City Solicitor, City Clerk.

The adjourned meeting was called to discuss the following item:

1971 LEGISLATION

Draft Legislation was submitted for the year 1971 relating to the following subjects, a detailed explanation of which is attached to the official copy of these minutes:

Amendments to Chapter 52 of the Acts of 1963, the Halifax City Charter, and an Act to Amend the Law Relating to the City of Halifax:

1. Definition: In this Act

(a) "City" means the City of Halifax;

(b) "Council" means the City Council of the City.

2. Subsection (2) of Section 20: Special Election - Alderman

The draft legislation as submitted provided that an alderman who was elected at a special election held less than a year before the date of a regular election would not have to re-offer and stand for election at that regular election but could continue to serve as alderman, for a term comprised of the unexpired term he was elected to serve plus the three year regular term of office.

The Chairman stated that this item was improperly included in the proposed legislation, as it had not been approved by Council.

MOVED by Alderman Allen, seconded by Alderman Sullivan that this item be deleted from the Act to amend Chapter 52 of the Acts of 1963. Motion passed with Aldermen MacKeen and McGuire against.

3. Section 34 - Subsection (3) - "Advertising of Lists"

4. Section 35 - Subsection (1) - "Application for Addition of Name to List"

5. Section 39 - "Voters List in Special Election"

6. Sections 40 "Application to Court of Revision to Add Name";
41 "Revising Officer & Court of Revision".

6. (Cont'd):

- Section 42 - "Clerk of Court"
 - 43 - "Time and Place of Sittings"
7. Section 44 - "Notice of Sittings"
8. Section 45 - "Hearings by Court"
9. Section 47 - "Finality of List Revised by Court"
10. Section 48 - "Powers of Revising Officer"

MOVED by Alderman Abbott, seconded by Alderman Allen that the Sections of Chapter 52 of the Acts of 1963, the Halifax City Charter, listed as Items 3 to 10, inclusive, in the draft legislation, be amended as submitted. Motion passed.

11. Section 83 - "Procedures on Voting"

-Subsection(1) - Clause 2 "Entry in Poll Book"

The draft legislation provided for the elimination of recording the voters occupation in the poll book.

After some discussion on this point, it was MOVED by Alderman Sullivan, seconded by Alderman Hogan, that this legislation be deleted from the Act to Amend Chapter 52 of the Acts of 1963, the Halifax City Charter. Motion passed with Alderman McGuire against.

-Subsection (2)

The draft legislation included a new Subsection (2) to Section 83 to provide that a person who overlooked having his name added to the list of voters by the Returning Officer as provided in Section 35 of the Charter, may on Election day appear before the Returning Officer at City Hall and, upon satisfying the Returning Officer that he is a person qualified to vote whose name is not on the list of voters, receive from the Returning Officer a Certificate to Vote.

Alderman McGuire said it would be preferable to have a person in each ward authorized to make out such a certificate; however after further discussion it was agreed that some wards could double up and use the same location so that the motion should read "place for each ward" rather than "a location in each ward".

MOVED by Alderman McGuire, seconded by Alderman MacKeen that Subsection (2) to Section 83 be reworded to provide for the establishment of a place for each Ward on election day where persons not on the election list may receive a certificate entitling them to vote, provided that someone on the list from their Ward vouch for them. Motion passed.

At the request of Alderman Hogan, Council agreed to consider Item 19 in the proposed legislation at this time:

Adjourned Special Council,
March 19, 1971

19. - Section 268 - Subsection (1) - Establishment and Composition of Court of Assessment Appeal

The draft legislation as submitted amended this Section of the Charter to allow an increase in the members of the Tax Assessment Appeal Board from three to four.

MOVED by Alderman Abbott, seconded by Alderman Hogan that this item be deleted from the Act to Amend Chapter 52 of the Acts of 1963, the Halifax City Charter.
Motion passed.

12:00 Noon - Alderman Hogan left meeting.

12.- Section 115 - Subsections (1) , (2) & (3) - "Application for Recount"

The revised wording of this section was to clarify the point as to when the actual recount must take place, there having been some confusion in this regard with respect to the Recount Petition for Ward 1 in the 1968 election.

MOVED by Alderman Allen, seconded by Alderman McGuire, that the draft legislation as submitted, be approved. Motion passed.

13.- Section 153 - Subsection 1 - "Specific Powers"

The proposed amendment changed the word "law" to the word "Act" in order to give a more precise and acceptable meaning to the Section.

MOVED by Alderman MacKeen, seconded by Alderman Sullivan, that the legislation as submitted be approved.
Motion passed.

14.- Section 181 - "Dismissal as a bar to further employment"

The draft legislation called for the repeal of this Section.

MOVED by Alderman Sullivan, seconded by Alderman McGuire, that the draft legislation as submitted be approved. Motion passed with Alderman Allen against.

15. - (There was no Item 15 in the draft legislation)

16. - Section 200 - Subsection (1) - "Settlement of Claims by City"

The amendment to this section which deals with the authority of the City Manager and the City Treasurer to settle claims for damage to City property, increased their jurisdiction from \$1,000 to \$2,000.

MOVED by Alderman Abbott, seconded by

Alderman McGuire, that the draft legislation as submitted be approved. Motion passed.

17. Sections 248 - "Poll Tax - Levy Ordinance"
249 - "Contents of Ordinance"
250 - "Manner of Collection"
251 - "Poll Tax Roll"
252 - "Deduction of Poll Tax by Employers"

The draft legislation called for the repeal of these sections of the City Charter.

MOVED by Alderman Allen, seconded by Alderman MacKeen that the legislation as submitted be approved. Motion passed.

18. Section 253 - Clause (c) - "Deed Transfer Tax"

The amendment was to provide for an increase in the rate of interest on unpaid transfer tax.

MOVED by Alderman Sullivan, seconded by Alderman Allen that the legislation as submitted be approved. Motion passed.

20. Section 372 - Subsection (1) "Sewage and Drainage regulations"

The draft legislation called for the repeal of the present section and a rewording to more adequately provide for sewage treatment plant and also amend a reference to a Section of the Health Act.

MOVED by Alderman MacKeen, seconded by Alderman McGuire that the legislation as submitted be approved. Motion passed.

21. - Section 376 - Subsection (1) - "Construction private drains"

The draft legislation repealed the present Subsection (1) and substituted a rewording to more clearly provide that the owner of property connecting with a public sewer is responsible for construction and maintenance of the private drain between the house and the public sewer, whether it is on his own property or otherwise.

Alderman Allen said he had raised a question in this regard at a previous meeting. He said that the sewer system in the annexed areas was designed with the property owner responsible for the sewer from the foundation of his house to the property line, and owners of property in the annexed areas had been charged accordingly, including vacant lots which they owned. However, he continued, if a person now decided to build a house on such a vacant lot, under the proposed legislation he would be responsible for sewer costs from the foundation of his house to the centre line of the road, which would represent a duplicate payment for a portion of the line on his part.

12:30 P.M. - Alderman LeBlanc arrived.

Considerable discussion ensued on this matter, following which it was MOVED by Alderman Allen, seconded by Alderman McGuire that an amendment be drawn to the legislation as submitted which would insure that a person would not be required to pay a duplicate charge in respect of a connection to an existing sewer. The motion was put and lost.

MOVED by Alderman Abbott, seconded by Alderman Sullivan, that the legislation as submitted be approved. Motion passed with Aldermen Allen and McGuire against.

22. - Addition of a New Section - 376A "Sewers" - Subsections (1) (2) (3) and (4)

This legislation provided for an ordinance respecting a pollution control charge.

MOVED by Alderman Sullivan, seconded by Alderman LeBlanc that the legislation as submitted be approved.

- Addition of a New Section - 376B "Sewers" - Subsections (1) (2) and (3)

Subsection(1):

At the suggestion of the City Manager, it was agreed that the special charge be called "development and redevelopment charge" rather than just a "redevelopment charge".

Subsection (2):

At the suggestion of the City Manager, it was agreed to reword the legislation as follows:

".....to be called the sewer rehabilitation and trunk sewer account and shall be used solely for sewer rehabilitation and the City's share of the cost of trunk sewer construction purposes."

MOVED by Alderman Sullivan, seconded by Alderman LeBlanc that the legislation, as amended, be approved. Motion passed.

DELEGATION FROM NEIGHBOURHOOD CENTRE

At this point Alderman MacKeen said that there were persons from the Neighbourhood Centre present who wished to address the Council on a certain matter, and he MOVED that when Council was finished with the Legislation, it go into Committee of the Whole to hear from the representatives of the Neighbourhood Center. There was, however, no seconder for this motion.

23. - Section 377 - "Local Improvement Projects"
24. - Section 379 - "Type of Work Included in Local Improvement Project".
25. - Section 382 - "Local Improvement Tax"
26. - Section 388 - "Procedure for Imposing Local Improvement Tax"
27. - Section 391 - "Commencement of Local Improvement Project without Petition"
28. - Section 394 - "Lien for Local Improvement Tax"

Adjourned Special Council
March 19, 1971

29. Section 399 "Allocation of Local Improvement Tax after Subdivision"
 30. Section 401 "City Property - Disposal of City Land by Council"
 31. Section 435 "Building Regulations"
 32. Section 454 "Police Force- Territorial Authority"
 33. Section 455 "Police Force- Authority in Watershed and City Dump"
 34. Section 531 "Town Planning Board"
 35. Section 532 "Planning - Costs of application to vary zoning By-law"
 36. Section 533 "Planning- Resubdivision and changes in subdivisions"
 37. Section 533A "Planning - Payment by Subdivider in lieu of reservation of Land"
 38. Section 542 "Penalties - Action in Supreme Court for Violation of Zoning by-law"
-

MOVED by Alderman Abbott, seconded by Alderman LeBlanc that the legislation listed as items Nos. 23 to 38, inclusive, be approved. Motion passed.

39. Amendment to Form 12 in the Schedule of City Charter

In view of the action taken on amending Section 83 of the City Charter, it was MOVED by Alderman MacKeen, seconded by Alderman Allen that this legislation be deleted. Motion passed with Alderman McGuire against.

40. Amendment to Schedule of City Charter by Addition of Form 14

Form required to cover the requirements of Section 83, Subsection (2) of the City Charter.

MOVED by Alderman LeBlanc, seconded by Alderman Sullivan that the legislation be approved. Motion passed.

41. Repeal of Form 18 of the Schedule to City Charter

MOVED by Alderman Abbott, seconded by Alderman Sullivan that the legislation repealing Form 18 of the Schedule be approved. Motion passed.

42. Cancellation of taxes levied against I.O.O.F. and Joint Stock Association Limited for the years 1970 and 1971

The legislation provided authority to write off and cancel tax imposed against the I.O.O.F and Joint Stock Association Limited with respect to ownership and occupancy of 5568 Cunard Street for the years 1970 and 1971.

MOVED by Alderman Abbott, seconded by Alderman McGuire that this legislation be approved, but that the City Solicitor have a further explanation for its necessity at the following meeting of City Council. Motion passed.

43. Sections 17, 20, 21, 22, 25, 26, 29 and 41

Legislation was submitted to the effect that the above-noted sections of the City Charter would come into force and effect on and not before such day or days as the Governor in Council orders and declares by proclamation.

MOVED by Alderman Sullivan, seconded by Alderman LeBlanc that the legislation be approved. Motion passed.

AN ACT TO AMEND CHAPTER 90 OF THE ACTS OF 1966 - THE HALIFAX
SUPERANNUATION ACT

Draft legislation to enact amendments to Chapter 90 of the Acts of 1966, The Halifax Superannuation Act, was submitted, copy of which is attached to the official copy of these minutes.

One amendment involved the addition of a Clause (q) and Alderman McGuire MOVED that the final words in the clause "provided such deceased member does not leave surviving a wife or issue" be deleted; however there was no Secunder to his motion.

The City Solicitor confirmed that the words "or issue" should be added to the end of the proposed Clause (q).

MOVED by Alderman Abbott, seconded by Alderman Allen, that the legislation as submitted be approved. Motion passed.

AN ACT TO REPEAL CHAPTER 89 OF THE ACTS OF 1952 - THE RECREATION
AND PLAYGROUNDS COMMISSION FOR THE CITY OF HALIFAX

Legislation for Repeal of the subject Act was submitted, it being stated that the Halifax Recreation and Playgrounds Commission, as a body corporate, is no longer required. The function of the Commission at the present time is to plan and carry out programs for recreational and playground activities and such a Commission will be established by Ordinance under the provisions of Section 25 of the Charter.

MOVED by Alderman Sullivan, seconded by Alderman McGuire that the legislation be approved. Motion passed.

1:15 P.M. - Meeting adjourned.

HEADLINE S

Legislation to amend sections of the City Charter181 to
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Legislation to amend Chapter 90 of the Acts of 1966 -	
The Halifax Superannuation Act187
Legislation to delete Chapter 89 of the Acts of 1952 -	
Recreation and Playgrounds Commission187

An Act to Amend Chapter 52 of the Acts of 1963, the
Halifax City Charter, and an Act to Amend the
Law Relating to the City of Halifax

EXPLANATORY NOTE

1 Definitions.

2 This amendment to Section 20 of the City Charter is to
provide that an alderman who is elected at a special election
held less than a year before the date of a regular election
does not have to re-offer and stand for election at that regular
election but may continue to serve as alderman, for a term
comprised of the unexpired term he was elected to serve plus
the three year regular term of office.

3 Deletes reference to the Court of Revision.

4 Deletes the provision for the setting up of a Court
of revision. It is proposed that persons whose names do not
appear on the list of voters may apply to the Returning Officer
to have the same added to the list.

5 Deletes reference to the Court of Revision.

6 Deletes reference to the Court of Revision and the
setting up of the same.

7 Deletes reference to the sitting of the Court of Revision.

8 Deletes reference to the sitting of the Court of Revision
and provides for the amending of voters lists by the Returning
Officer.

9 Deletes reference to the Court of Revision.

10 Deletes provision for appointment of a Revising Officer.

11 Section 83 sets out the procedure for voting and eliminates
the necessity of recording a voters occupation in the poll book.

The amendment to Section 83 also provides that a person
who overlooked having his name added to the list of voters by
the Returning Officer as provided in Section 35 of the Charter,
may on Election day appear before the Returning Officer at City
Hall and, upon satisfying the Returning Officer that he is a
person qualified to vote whose name is not on the list of voters,
receive from the Returning Officer a Certificate to Vote.

12 Following the Recount Petition with respect to Ward I in the
1968 Election, the Judge suggested that the wording of our Section
was not clear as to when the actual recount must take place, and
that it could be taken that it must be held within ten days after
Election Day. The proposed new wording would clarify this - the
application or petition would have to be filed within ten days
after Election Day and the judge would be required within two days
after it is filed to set a date and place for the recount, which
while it is hoped would be within a matter of days, could be a date
three weeks or a month later. The wording is taken for the most
part from that used in the Nova Scotia Elections Act.

13 This amendment to Section 153 gives more precise and acceptable meaning to the Section.

14 The Council, on October 29, 1970, directed that this Section be repealed, as they felt it was unfair that an employee dismissed from the employ of a particular commission or department of the City could not be rehired by the City for employ in another commission or department of the City.

16 This amends the Section respecting the authority of the City Manager and the City Treasurer to settle claims for damage to City property, by increasing their jurisdiction from \$1,000 to \$2,000.

17 These are Sections dealing with the imposing of Poll Tax which tax is being abolished by the Government of Nova Scotia.

18 This Section is our authority for an Ordinance respecting Deed Transfer Tax, and the amendment is to authorize an increase in the rate of interest on unpaid transfer tax.

19 The purpose of this amendment is to allow an increase in the members of the Tax Assessment Appeal Board, from three to four.

20 Amends the Section which authorizes the making of an ordinance respecting the disposal and treatment of sewage and drainage, to more adequately provide for sewage treatment plant, and also amends a reference to a Section of the Health Act.

21 Amends the Section to more clearly provide that the owner of property connecting with a public sewer is responsible for construction and maintenance of the private drain between the house and the public sewer, whether it is on his own property or otherwise.

22 Adds two new Sections to the City Charter - one to provide for an ordinance respecting a pollution control charge, and the second to provide for an ordinance respecting a redevelopment charge.

23 This amendment is to give more precise meaning to the Section.

24 Adds to the Section which sets out the types of works, improvements and services that may be undertaken by the City as a local improvement project, to include the portion of a private drain which is located on City property.

25 This repeals and replaces the Section relating to the imposing of a local improvement tax and spells out the basis upon which such a tax is imposed.

26 Amends the Section providing for a local improvement tax roll and sets out more clearly what shall be included in such roll.

27 This amendment is to give more concise and clear meaning to the Section.

28 Amends the Section relating to liens for local improvement tax to provide when the lien shall attach.

29 Repeals and reenacts Section 399, respecting allocation of local improvement tax after a property has been subdivided.

30 Amends the Section respecting the sale and disposal of City owned land, to give clearer meaning. As the Section now reads it could be interpreted that Council only had authority to deal with how land is to be disposed of.

31 Adds a provision to allow Council by ordinance to regulate and control the use of incinerators in buildings and provides for the requirement of a permit therefor.

32 This Section provides that all members of the Halifax Police Force shall be provincial constables and have the powers and privileges of constables throughout the Province. It is felt that certain provisions in the Police Services Act make this doubtful if not so. The amendment is to provide that notwithstanding any provisions of the Police Services Act, the members of the Halifax Police Force retain these powers and privileges.

33 Same as above.

34 Amends the City Charter references to the old Town Planning to Act and the Town Planning Board of the City.

38
incl.

39 Amends Form 12 in the Schedule by deleting reference on the occupation of a voter being recorded in the Poll Book.

40 Amends the Schedule by adding Forms required to be completed by the applicant and the Returning Officer to have one's name added to the list of voters on Election Day.

41 Repeals the Form of Warrant for Poll Tax

42 Authority to write off and cancel tax imposed against the I.O.O.F and Joint Stock Association Limited with respect to ownership and occupancy of 5568 Cunard Street, for the years 1970 and 1971.

43 Sets out certain Sections of this Act which are to come into force and effect only upon Proclamation by the Governor in Council.

as that Section is enacted by Chapter 35 of the Acts of 1968 and amended by Section 2 of Chapter 31 of the Acts of 1969, is further amended by substituting the words "during the three weeks immediately preceding the third Monday in September" in the fourth and fifth lines thereof and substituting therefore the words "during the week commencing the first Monday in September and on each of the two next succeeding Mondays".

(2) Subsection (7) of said Section 35 is repealed.

5 Section 39 of said Chapter 32 is repealed and the following substituted therefor:

39 Notwithstanding the provisions of Section 33, whenever a special election is held under the provisions of Section 20, the Returning Officer may use, in the preparation of the voters list, the list of voters prepared for use in the last election in an election year.

Sections 40, 41, 42 and 43 of said Chapter

An Act to Amend Chapter 52 of the Acts of 1963, the
Halifax City Charter, and an Act to Amend the
Law Relating to the City of Halifax

Be it enacted by the Governor and Assembly as follows:

1 In this Act

(a) "City" means the City of Halifax;

(b) "Council" means the City Council of the
City.

2 (1) Subsection (2) of Section 20 of said Chapter
52 is amended by striking out the symbols and figure "(2)"
in the first line thereof and substituting therefor the
symbols and figure "(3)".

(2) Section 20 of said Chapter 52 is further
amended by adding thereto immediately following subsection
(1), the following subsection:

(2) Notwithstanding the provisions of this Section
or any other Section of this Act, an alderman who is
elected at a special election held within a period of
one year preceding a regular election, shall hold office
for the unexpired term, and for a further term of three
years commencing with the date of the first meeting of
Council following the next regular election.

3 Subsection (3) of Section 34 of Chapter 52 of the
Acts of 1963, the Halifax City Charter, as that Section is
amended by Section 4 of Chapter 87 of the Acts of 1966, Section
5 of Chapter 69 of the Acts of 1968 and Section 7 of Chapter
91 of the Acts of 1969, is further amended by striking out the
words "or made to the Court of Revision" in the last line
thereof.

4 (1) Subsection (1) of Section 35 of said Chapter 52,
as that Section is enacted by Section 7 of Chapter 69 of the
Acts of 1968 and amended by Section 8 of Chapter 91 of the Acts
of 1969, is further amended by striking out the words "during
the three weeks immediately preceding the third Monday in
September" in the fourth and fifth lines thereof and substituting
therefore the words "during the week commencing the first Monday
in September and on each of the two next succeeding Mondays".

(2) Subsection (7) of said Section 35 is repealed.

5 Section 39 of said Chapter 52 is repealed and the
following substituted therefor:

39 Notwithstanding the provisions of Section 33,
whenever a special election is held under the provisions
of Section 20, the Returning Officer may use, in the
preparation of the voters list, the list of voters
prepared for use in the last election in an election
year.

6 Sections 40, 41, 42 and 43 of said Chapter 52 are
repealed.

7 Section 44 of said Chapter 52, as that Section is enacted by Section 10 of Chapter 69 of the Acts of 1968 and amended by Section 12 of Chapter 91 of the Acts of 1969, is further amended by striking out the words "the time and place fixed for the hearing by the Court of Revision of applications for amendments to the list of voters as well as" in the fourth, fifth, sixth and seventh lines thereof" and substituting therefor the words "the place where and".

8 Section 45 of said Chapter 52 is repealed and the following substituted therefor:

45 (1) On or before the twenty-fifth day of September in an election year, the Returning Officer shall amend the list in the manner so determined.

(2) No name shall be deleted from the list unless the person concerned, if living, has been given an opportunity to be heard, or if dead, proof of death satisfactory to the Returning Officer has been produced.

9 Section 47 of said Chapter 52 is amended by deleting therefrom the words "by the Court of Revision" in the first and second lines thereof.

10 Section 48 is repealed.

11 (1) Clause 2 of subsection (1) of Section 83 of said Chapter 52 is amended by striking out the words "residence and occupation" in the third line thereof and substituting therefor the words "and residence".

(2) Section 83 is further amended by inserting following subsection (1) the following subsection:

(2) A person whose name is not on the voters list of the polling division in which he resides, may vote at the polling place for such polling division on Election Day, if

(a) he attends on Election Day at the office of the Returning Officer at City Hall between the hours of nine o'clock in the forenoon and four-thirty o'clock in the afternoon and obtains from the Returning Officer a Certificate in Form 14A in the Schedule, after having satisfied the Returning Officer that he is qualified as a voter under the provisions of subsection (1) of Section 30 to be registered as a voter on the voters list for the polling division, by taking an oath or affirmation and signing an affidavit in Form 14 in the Schedule; and

(b) he appears before the deputy returning officer of the polling division and delivers to the deputy returning officer the Certificate in Form 14A in the Schedule signed by the Returning Officer, which Certificate shall be set out in the poll book.

12 Subsections (1), (2) and (3) of Section 115 of said Chapter 52 are repealed and the following substituted therefor:

(1) At any time within ten days after Election Day, any voter may apply to a judge of the County Court for District Number One for a recount of all the ballots cast in a particular Ward or Wards, by filing a petition with the Clerk of the Court to which is attached his affidavit that the Returning Officer or any deputy returning officer or other officer in counting the votes given at the election has improperly counted or rejected any ballot papers and that his action has materially affected the result of the election, and by depositing with him the sum of two hundred dollars in legal tender as security for the costs of therecount; whereupon the judge shall, within two days after the filing of the petition, by Order appoint a place and a time for the recount.

(2) A petitioner shall give at least three days' written notice of the time and place appointed to recount the votes to

- (a) the candidates or their official agents;
- (b) the Returning Officer; and
- (c) the City Clerk.

(3) The judge may direct that service of the notice of the time and place of the recount be substitutional, or be made by mail, or by posting, or in any other manner.

13 Subsection (1) of Section 153 of said Chapter 52 is amended by striking out the word "law" in the fifth line thereof and substituting therefor the word "Act".

14 Section 181 of said Chapter 52 is repealed.

16 Subsection (1) of Section 200 of said Chapter 52 is amended by striking out the words "one thousand" in the eleventh line thereof and substituting therefor the words "two thousand".

17 Sections 248, 249, 250, 251 and 252 of said Chapter 52 are hereby repealed.

18 Clause (c) of Section 253 of said Chapter 52 is amended by striking out the words "one half" in the fifth and sixth lines thereof and substituting therefor the words "three quarters".

19 Subsection (1) of Section 268 of said Chapter 52 is amended by striking out the word "three" in the third line thereof and substituting therefor the words "not more than four".

20 (1) Subsection (1) of Section 372 of said Chapter 52 is repealed and the following substituted therefor:

(1) The Council may from time to time make ordinances in respect of the disposal and treatment of industrial and domestic wastes, storm and surface drainage, and the construction, installation, management, inspection, maintenance, repair and care of public and private sewerage, and interference with or obstruction of any part of the sewer system.

(2) Subsection (2) of said Section 372 is amended by striking out the figures "42" in the first line thereof and substituting therefor the figures "33".

21 Subsection (1) of Section 376 of said Chapter 52 is repealed and the following substituted therefor:

(1) Except as provided in Section 379, every private drain connected with a public sewer shall be constructed and maintained at the expense of the owner of the property connecting with the same, whether on privately owned property or not, but subject to the supervision and control of the City.

22 Said Chapter 52 is amended by adding thereto following Section 376, the following Sections:

376A (1) The Council may by ordinance provide for a pollution control charge, which shall be a charge upon the users of the sewerage system of the City, for the construction of a pollution control system, including collection mains or pipes, force mains, pumping stations, sewage treatment plant or plants and other similar sewage treatment facilities for pollution control.

(2) The ordinance may provide for a charge based

(a) in the case of metered water users of the Public Service Commission of Halifax, according to actual rate of consumption of water; and

(b) in the case of others on the basis of the average rate of consumption in a similar class of users of the Public Service Commission of Halifax in the preceding year.

(3) The proceeds of the charge or charges and interest thereon at a rate as Council shall determine authorized by the ordinance shall be paid into an account to be called the Pollution Control Account and shall be used solely for pollution control purposes.

(4) A charge or charges levied under the authority of this Section shall constitute a lien on the personal property of the occupant of the property in respect of which the pollution control charge is levied and may be collected in the same manner and with the same remedies as provided in this Act for the collection of liens on personal property.

376B (1) The Council may by ordinance define the class or classes of buildings to be erected or enlarged which impose or may impose a heavy load on the sewer system and by reason of which expenditures are or may be required to provide additional sanitary or storm sewer capacity that in the opinion of the Council would not otherwise be required, and may levy upon the owners of such buildings a special charge called a "redevelopment charge" to pay for all or any part of the cost of providing the additional sewer capacity, and for the purpose of levying such a redevelopment charge the City may be divided into zones.

(2) The proceeds of the charge or charges authorized by the ordinance shall be paid into an account to be called the Sewer Rehabilitation Account and shall be used solely for sewer rehabilitation construction purposes.

(3) Charge or charges levied under the authority of this Section shall constitute a lien against the land upon which the building is erected or enlarged and may be collected in the same manner and with the same remedies as provided in this Act for the collection of local improvement charges.

23 Section 377 of said Chapter 52 is amended by deleting the words "limited and" immediately preceding the word "determinable" in the fifth line thereof.

24 (1) Clauses (f), (g) and (h) of Section 379 of said Chapter 52 are relettered as (g), (h) and (i) respectively.

(2) Section 379 is further amended by inserting following clause (e) thereof, the following clause:

(f) the constructing, deepening, enlarging or prolonging of the portion of the private drain located on City property;

25 Section 382 of said Chapter 52 is repealed and the following substituted therefor:

382 (1) For the purpose of this Section, "dwelling unit" shall mean a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment.

(2) The Council shall, in passing a resolution under Section 377, impose a local improvement tax on the several properties in the area which in the opinion of the Council will be served by the local improvement project.

(3) A local improvement tax may be levied on such fair and equitable base as Council shall determine, and, without restricting the generality of the foregoing, may include any one or more of the following:

(a) an amount per lineal foot of land fronting on or benefiting from the improvement;

(b) an amount per lot of land benefiting from the improvement, which amount may be varied according to the relative degree of benefit;

(c) an amount per square foot of land or per square foot of gross floor space of a building constructed on land benefiting from the improvement, which amount may be varied by the class or use of such building;

(d) an amount per dwelling unit benefiting from the improvement, which amount may be varied according to the number of individual dwelling units contained within a building or according to the ownership of the individual dwelling units within a building;

(e) an amount related to the assessed value of the benefiting properties.

(4) Every resolution imposing a local improvement tax shall state the base as set out in subsection (3) herein, upon which the levy is to be made against the various classes or kinds of properties to be benefited.

(5) In the case of corner lots and triangular or irregularly shaped lots, whether or not situate at the junction or intersection of streets, a change may be made in the special levy which otherwise would be chargeable thereon, sufficient to adjust the levy on a fair and equitable basis, having regard to the situation, value and superficial area of such lots as compared with the other lots affected.

(6) Where a lot for any reason is wholly or in part unfit for building purposes, a reduction may be made in the local improvement tax which otherwise would be levied thereon, sufficient to adjust such tax as compared with that of lots fit for building purposes on a fair and equitable basis.

26 Clause (a) of Section 388 of said Chapter 52 is repealed and the following substituted therefor:

(a) cause a local improvement tax roll to be prepared in which shall be entered:

(i) a short description of the local improvement project;

(ii) every property, identified by a short description, upon which a local improvement tax is to be levied, and the name of the owner thereof;

(iii) the basis of the levy, as provided in Section 382 or Section 385;

(iv) the total estimated amount levied against each property;

(v) the number of annual instalments by which the taxes to be levied and collected are to be payable;

27 Section 391 of said Chapter 52 is amended by deleting therefrom the words "and in the public interest" in the sixth line.

28 Subsection (1) of Section 394 of said Chapter 52, as amended by Section 25 of Chapter 69 of the Acts of 1968, is further amended by adding thereto the following:

"The lien shall attach on the first day of the month next following the month in which billing for the local improvement charge has been mailed to the owner or mortgagee of the property affected."

29 Section 399 of said Chapter 52 is repealed and the following substituted therefor:

399 (1) Where a local improvement tax has been levied in respect of a property and the property has subsequently been subdivided, the tax collector may apportion the total local improvement tax in respect of the property among the several lots shown in the subdivision of the property benefited by the work which created the liability for such local improvement tax.

(2) Notwithstanding the provisions of subsection (1) hereof and Section 386, an additional local improvement tax may be levied, bringing the tax total to what it would have been had the subdivision occurred prior to the local improvement being undertaken.

(3) When an apportionment or an additional levy is made under subsection (1) or subsection (2), the taxes shall be deemed to have been levied on the same day as the original levy and the respective taxes shall be deemed from that day to constitute a lien and bear interest at the rate and be collectable as provided in this Act.

30 Subsection (1) of Section 401 of said Chapter 52, as enacted by Section 23 of Chapter 72 of the Acts of 1964, is amended by striking out the words "in any manner that" in the fifth and sixth lines thereof and substituting therefor the word "as".

31 Section 435 of said Chapter 52, as that Section is amended by Section 14 of Chapter 91 of the Acts of 1970, is further amended by adding thereto the following clause:

(r) regulating the use of and establishing standards for the installation, operation and maintenance of incinerators in buildings and requiring that a permit therefor be obtained from the Building Inspector.

32 Section 454 of said Chapter 52, as that Section is amended by Section 27 of Chapter 69 of the Acts of 1968, is further amended by striking out the word "All" in the first line thereof and substituting therefor the words "Notwithstanding the provisions of the Police Services Act, all".

33 Section 455 of said Chapter 52 is amended by striking out the word "Any" in the first line thereof and substituting therefor the words "Notwithstanding the provisions of the Police Services Act, any".

34 Section 531 of said Chapter 52, as amended by Section 6 of Chapter 105 of the Acts of 1967, is further amended by striking out the words "Section 2 of the Town Planning Act, the Council shall appoint a Town Planning Board" in the first, second and third lines thereof and substituting therefor the words "Section 22 of the Planning Act, the Council shall appoint a City Planning Committee".

35 Subsection (1) of Section 532 of said Chapter 52, as amended by Section 50 of Chapter 91 of the Acts of 1969, is further amended by striking out the words "Section 16 of the Town Planning Act" in the eighth and ninth lines thereof and substituting therefor the words "Section 39 of the Planning Act".

36 (1) Subsection (1) of Section 533 of said Chapter 52, as amended by Section 51 of Chapter 91 of the Acts of 1969, is further amended by striking out the words "Section 30 of the Town Planning Act" in the second line thereof and substituting therefor the words "Section 50 of the Planning Act".

(2) Said subsection (1) of Section 533 is further amended by striking out the words "Town Planning Board of the City" in the fifth and sixth lines thereof and substituting therefor the words "City Planning Committee".

(3) Subsection (1) of Section 533 is further amended by striking out the word "Board" in the last line thereof and substituting therefor the word "Committee".

(4) Subsection (2) of said Section 533 is amended by striking out the words "Town Planning Board" in the first line thereof and substituting therefor the words "City Planning Committee".

(5) Subsection (3) of said Section 533 is amended by deleting the word "Town" in the fourth line thereof.

(6) Subsection (4) of said Section 533 is amended by

37 Subsection (1) of Section 533A of said Chapter 52 as that Section is enacted by Section 52 of Chapter 91 of the Acts of 1969, is amended by deleting the word "Town" in the second line thereof, and by striking out the words "Town Planning Board" as they appear in the third and fourth and seventh lines thereof, and substituting therefor the words "City Planning Committee".

38 (1) Subsection (1) of Section 542 of said Chapter 52 is amended by deleting the word "Town" in the third line thereof.

(2) Subsection (2) of said Section 542 is amended by deleting the word "Town" in the fourth line thereof.

39 Form 12 in the Schedule to said Chapter 52 is amended by deleting therefrom the word "Occupation".

40 The Schedule to said Chapter 52 is amended by adding thereto immediately following Form 13, the following Forms:

Form 14
(Section 83 (2))

AFFIDAVIT OF VOTER NOT ON VOTERS LIST

I, the undersigned, swear (or solemnly affirm):

- 1 That my correct name and address are shown below, preceding my signature, and that I actually reside at such address.
- 2 That I am of the full age of nineteen years.
- 3 That I am a Canadian citizen or British subject.
- 4 That I have continuously resided in the City, or in an area annexed to the City, since the first day of January immediately preceding the date of this regular election;
or
That I have continuously resided in the City, or in an area annexed to the City, for a period of ten months immediately preceding the first day of the month in which this special election is being held.
- 5 That I have not voted before in this election at any other polling place and will not do so or attempt to do so.
- 6 That I have not received anything, nor has anything been promised to me, directly or indirectly, in order to induce me to vote or refrain from voting in this election.
- 7 That to the best of my knowledge and belief, I am not disqualified under the provisions of the Halifax City Charter, 1963, and amendments thereto, from being registered as a voter in this polling division in this election.

..... Name Address

Sworn (or affirmed) at Halifax)
in the County of Halifax, this)
day of A.D.,)
19 , before me,)
)
)

Form 14A
(Section 83. (2))

CERTIFICATE TO VOTE

To: The Deputy Returning Officer
Polling Division No.....

.....
(address of Polling Place)

I CERTIFY that the voter described below is qualified under the provisions of the Halifax City Charter, 1963, and amendments thereto, to be registered on the list of voters for your polling division.

.....
(Name of Voter)

.....
(Address of Voter)

DATED at Halifax in the County of Halifax, this
day of , A.D., 19 .

.....
Returning Officer

41 Form 18 of the Schedule to said Chapter 52 is repealed.

42 The City may write off and cancel any taxes levied in respect of the ownership by the I.O.O.F. and Joint Stock Association Limited and the occupancy by the I.O.O.F. and Joint Stock Association Limited with respect to Civic Number 5568 Cunard Street for the years 1970 and 1971 (excepting fire protection tax) and may refund any taxes paid pursuant to any such levy.

43 Sections 17, 20, 21, 22, 25, 26, 29 and 41 of this Act shall come into force and effect on and not before such day or days as the Governor in Council orders and declares by proclamation.