

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

A BY-LAW RESPECTING GRAVEL
PITS AND EXCAVATIONS

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

Prohibited without a permit 2. No person in the Town 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 submit an application of five (\$5.00) dollars and 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 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 reasonable terms and conditions for the carrying on of the proposed work as are necessary for the purpose of protecting health, lives and property from injury as a result of the quarrying or excavating operations and from the creation of a public nuisance and the restoration of the surface of the land upon which any excavating or quarrying has been or is proposed to be carried on so that the property is no more unsightly than before such quarrying or excavation occurred.

5. The Engineer before issuing a permit hereunder and as a condition precedent to his doing so may 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 Town Council as herein provided in an amount sufficient to indemnify the Town for any probable costs it might incur under Section 14.

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.

Hearing of
Appeal

(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 are necessary for the effective carrying out of the purposes of this By-law.

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 Town, or who has made any excavation in the Town, 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 Town, or the Engineer may, without such direction, make such a 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.

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) if Council has reasonable belief that this By-law has been violated 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.

13. A copy of any order made by the Engineer, 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 Town, 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 Town by two insertions, and a copy of the order shall be posted on the land in question.

14. If any person fails to comply with an order made under this By-law directing the restoration of any land the Town may enter upon such land and perform the work required by the order and recover the cost thereof from the person or

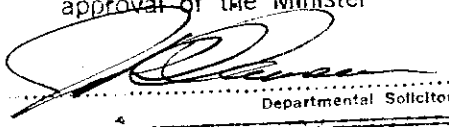

Resolved by the Council of the Town of Port Hawkesbury that the following by-law is hereby enacted and that the clerk forward two copies of it to the Minister of Municipal Affairs for his approval.

INSIALMENI BILLING BY-LAW

1. In each year, an amount of one half of the rates and taxes levied against a property in the previous year shall be due and payable to the treasurer on the first day of March.
2. The rates and taxes levied against the property for the current year, less the payment made under Section 1 of this by-law, shall be due and payable on a date to be determined by council by resolution.

THIS IS TO CERTIFY that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Council of the Town of Port Hawkesbury duly held on the *3rd* day of *February* 1987.

GIVEN under the hand of the Clerk and under the seal of the town this *10th* day of *February*, 1987.

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| DEPARTMENT OF MUNICIPAL AFFAIRS | |
| Recommended for approval of the Minister | |
|  | |
| Departmental Solicitor | |
| APPROVED this | <i>2nd</i> day |
| of | <i>March</i> 19 <i>87</i> |
|  | |
| Minister of Municipal Affairs | |


CLERK

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PORT HAWKESBURY THAT THE FOLLOWING BY-LAW BE ENACTED PURSUANT TO SECTION 221(72) OF THE TOWNS ACT, R.S.N.S., 1967, CHAPTER 309 AS AMENDED

ADVERTISING BY-LAW

1. No Person shall post any handbills, posters or other advertising material upon any public building or upon any pole or structure located on any public property or street right-of-way without first having obtained a permit from the Town.
2. The applicant for an advertising permit shall pay a deposit to the Town in the amount of One Hundred Dollars (\$100.00) which deposit shall be refunded to the applicant upon confirmation that all advertising material has been removed within seven days after the event being advertised has taken place. If the advertising material is not removed within the time limited, then the deposit shall be forfeited to the Town.
3. Any person violating the provisions of this By-Law shall be liable to a penalty of not more than Two hundred and Fifty Dollars (\$250.00) and in default of payment to be imprisoned for a term not exceeding thirty days.

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| DEPARTMENT OF MUNICIPAL AFFAIRS | |
| Recommended for approval of the Minister | |
| <i>F. Roberts</i> Departmental Solicitor | |
| APPROVED this | 10 th day |
| of August | 1987 |
| <i>David Nantes</i> Minister of Municipal Affairs | |

This is to certify that the by-law of which the foregoing is a true copy was duly passed at a duly called meeting of the Council of the Town of Port Hawkesbury held on the 9th day of July, 1987.

Given under the hand of the Clerk and under the corporate seal of the Town of Port Hawkesbury, this 16th day of July, 1987.

Colin J. Macdonald
COLIN J. MACDONALD