

# BY-LAWS OF THE VILLAGE OF BIBLE HILL

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## GENERAL

### COMMISSIONERS

1.01 The number of commissioners shall be five (5). Three (3) commissioners shall constitute the quorum.

### BANKING AND SIGNING AUTHORITY

1.02 The commissioners may maintain and operate a bank account(s) in any branch of any chartered bank in Canada. All cheques drawn on such account(s) shall be signed by two commissioners, or a commissioner and the clerk and treasurer.

## 2. REGULAR MEETINGS

### MEETINGS OF COMMISSIONERS

2.01 The commissioners shall meet on the third Tuesday of each month at 7:00 in the evening at the Village Office. No notice of the meeting shall be required unless there is to be a change of date, place or time of the meeting in which case the clerk and treasurer shall advertise notice of the meeting in a newspaper circulating in the village at least 14 days before the date of such meeting.

### ORDER OF BUSINESS

2.02 The order of business at a regular meeting of the commissioners shall be:

Review and approval of minutes of last regular meeting, and of any special meeting (s) held since such meeting;

Miscellaneous business including delegations;

Business arising out of minutes;

Review of correspondence;

Reports of commissioners, and clerk and treasurer;

The accounts; and

New Business.

### ORDER AT MEETINGS

2.03 The chairperson shall maintain order at all meetings of the commissioners, and shall have the right to order the removal of any person interfering with the business of the meeting, or acting in a disorderly manner.

## VOTING

2.04 All voting matters before the commission shall be decided by voting on a motion, duly moved and seconded, such voting to be by "yeas" and "nays", and the chairperson shall state whether in his/her opinion the motion has been carried or defeated. In the event of an equality of votes for and against the motion, the chairperson shall declare the motion lost.

## 3. ANNUAL MEETINGS

### NOTICE

3.01 The annual meeting of the Village of Bible Hill shall take place on the first Monday of June at 8:00 pm. The clerk and treasurer shall give notice of the annual meeting by advertisement published in a newspaper circulating in the village and by posting notices in five conspicuous places in the Village; at least 14 days prior to the date of such meeting.

### ORDER OF BUSINESS

3.02 The order of business at an annual meeting shall be:

Reading of the minutes of last annual meeting and any subsequent special electors meeting (s)

Reports of commissioners;

Auditor's Report;

Business arising out of minutes;

Adoption of reports; and

Miscellaneous business.

## VOTING

3.03 All voting matters before the electors, except the election of commissioners, shall be decided by voting on a motion duly moved and seconded, such voting to be by "yeas" and "nays", and the chairperson shall state whether in his/her opinion the motion has been carried or defeated. Any two electors may call for a standing vote, in which case the chairperson shall conduct a standing vote on the motion. The clerk and treasurer shall count those standing in favor of the motion and those standing against the motion, and shall declare the numbers for and against motion and the clerk and treasurer shall record the same. In the case of tie, the chairperson shall declare the motion lost.

## ELECTIONS

### DEFINITIONS

4.01.01 In this by-law:

"Advance Polling Day" means the Tuesday immediately proceeding Election Day.

"Candidate" means a person who, at the close of nominations, has been nominated for election to the office of commissioner.

"Election Day" means the day commissioners are elected to office, being the first Saturday after the annual meeting of each year.

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

"Nomination Period" means the period from and including the fifth Thursday proceeding Election Day to and including the fourth Thursday preceding election day.

"Returning Officer" means a person appointed by the Commission of the Village of Bible Hill to conduct all regular and special elections required under these by-laws.

"Special Election" means an election held pursuant to subsection 4.03 to fill a vacancy on the commission.

### NOMINATIONS

4.02.01 No person shall be eligible for election to the office of commissioner unless that person has been nominated by not less than five (5) electors, is a Canadian citizen by birth or naturalisation; of the full age of nineteen (19) years; and has for a period of six (6) months immediately preceding the date of this nomination been ordinarily a resident in the area comprising the Village of Bible Hill, and continues to so reside.

4.02.02 All nominations shall be in writing in Form "A" attached and shall be filed with the returning officer at the village office on a business day during the nomination period between the hours of eight thirty (8:30) o'clock in the forenoon and four thirty (4:30) o'clock in the afternoon.

4.02.03 The returning officer shall advertise in a newspaper circulating in the village, a notice of the time, date and place for the nomination of candidates at least two (2) weeks prior to the nomination period.

4.02.04 No nomination shall be valid or accepted by the returning officer unless it has been completed and signed by the candidate. Only the names of those person duly nominated shall appear on the ballots as candidates for election.

4.02.05.01 Every nomination paper shall be accompanied by a deposit of two hundred dollars, provided that the commission may, by by-law, specify that a lesser deposit, or no deposit, shall be required.

4.02.05.02 Every by-law passed pursuant to subsection 4.02.05.01 shall be subject to the approval of the Minister.

4.02.05.03 Upon the removal of all advertising material within seven days after ordinary polling day and the filing of an affidavit of the candidate in prescribed form confirming the removal, or to the like effect, with the clerk and treasurer, the clerk and treasurer shall

(a) refund the deposit to a candidate who was elected or who polled at least half of the number of votes polled by the successful candidate; or

(b) refund half of the deposit to a candidate who polled less than half of the number of votes polled by the successful candidate.

4.02.05.04 Where a candidate dies before the close of the poll, the clerk and treasurer shall refund the whole of the deposit to the candidate's official agent or personal representative.

4.02.05.05 Where no more than the number of candidates authorized to be elected are officially nominated and as a result no poll is granted, upon the filing of the affidavit referred to in subsection (3), the clerk and treasurer shall refund the whole of the deposit to the candidate or his official agent.

4.02.05.06 A candidate who fails to file an affidavit within seven days after the date of the election shall forfeit his deposit.

4.02.05.07 Before four o'clock in the afternoon of the day after nomination day, a candidate may appear in person or by his official agent before the returning officer and file with him a declaration signed by either of them that he withdraws as a candidate, whereupon he shall be deemed not to have been nominated and his deposit shall be forfeited.

4.02.05.08 If a candidate dies before the close of nominations on nomination day, he shall be deemed not to have been officially nominated.

#### VACANCY

4.03.01 Subject to subsection 4.03.05, within 30 days after a vacancy occurs in the office of commissioner because an insufficient number of candidates are nominated to fill the vacancies at a regular or special election; or a commissioner dies, resigns, becomes disqualified or forfeits office, a special election shall be held on a date set by the returning officer.

4.03.02 The day fixed for the special election shall be a Saturday not more than 30 days after the vacancy occurs.

4.03.03 A special election shall be conducted as nearly as may be in accordance with the provisions governing regular elections.

4.03.04 A commissioner elected at a special election shall hold office from the time when he takes his oath of office until his successor is sworn into office or, if there is no successor, until the meeting at which the successor would have been sworn into office if there was a successor.

4.03.05 Notwithstanding subsection 4.03.01, a vacancy need not be filled until the next annual meeting or the election held in accordance with the nomination and election by-laws of the village immediately following the next annual meeting if it occurs within six months of the next annual meeting unless the Minister or the village commission determines otherwise.

## ELECTIONS

4.04.01 Elections for the office of commissioner shall take place on Election Day between the hours of nine o'clock (9:00) in the forenoon and seven o'clock (7:00) in the afternoon and on the advance polling day between the hours of eleven o'clock (11:00) in the forenoon and seven o'clock (7:00) in the afternoon.

4.04.02 The returning officer for the advance poll and the election may appoint such persons as deputy returning officers, who shall act as scrutineers or otherwise to assist in the conduct of the election and to be present at the poll(s) during the balloting.

4.04.03 Voting for the offices of commissioner shall be held at such place(s), to be called poll(s), as may be designated by the returning officer. The returning officer shall advertise, in a newspaper circulating in the village, at least two (2) weeks prior to the advance polling day, a notice of:

(a) The date of election day and of advance polling day, and the hours of polling at each; and,

(b) The location of the various polls.

4.04.04 Any elector who expects to be unable to vote on election day may vote on the advance polling day at an advertised poll.

4.04.05 A single ballot shall be held and a single ballot paper shall be used at an election even if there is more than one vacancy in the office of commissioner. All candidates' names shall appear on the ballot papers. An elector may vote only once for each office to be filled and may vote only once for any candidate and these conditions shall appear on the ballot papers.

## PROCEDURE AT COMPLETION OF VOTE

4.05.01 Upon the completion of the voting, the clerk and treasurer, in the presence of the returning officer and each of the two scrutineers, shall open the ballot box and examine the ballot papers and proceed to count the votes.

4.05.02 The candidate obtaining the greatest number of votes at an election shall be deemed to have been elected to the vacant office of commissioner having the longest term, and the candidate having the second greatest number of votes shall be deemed to have been elected to the vacant office of commissioner having the second longest term, and so on.

4.05.03 After the votes are counted the clerk and treasurer shall make up a written statement containing the following particulars:

(a) the number of votes polled;

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

4.05.04 The statement shall be signed by the clerk and treasurer and filed with the minutes of the meeting.

4.05.05 The provisions of Sections 64, 65, 66, 67, 69, 70, 83, 84, 85, 86, 89, 90, 91, 93, 95, 96, 97, 98, 100, 101, 102, 103, 105, 108, 109, 116, 117, 119, 120, 121, 122, and 123 of the Municipal Elections Act, R.S.N.S., 1989, C. 300, where not inconsistent with this by-law or the Municipal Government Act, shall, with respect to procedure for balloting, the conduct of the election, and the procedure at an advance poll, apply mutatis mutandis.

4.05.06 When there is a tie at an election of a village commissioner, the clerk and treasurer shall determine the successful candidate by lot as prescribed by the Municipal Elections Act.

## VOTE RECOUNT

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

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

## 5. COMMITTEES

### COMMITTEES

5.01 The commission may annually appoint advisory committees from among its members, (and/or electors in the case of the Bible Hill Tree Committee, the Bible Hill Parks and Recreation Committee and the Bible Hill Safety Advisory Committee only), for any of the following matters:

Protective Services (fire brigade liaison, fire hall operation, crossing guards program-implementation and supervision, police liaison, member of the Bible Hill Safety Committee);

Environmental Services (development and maintenance of water and sewer systems, flooding control planning);

Transportation Services (development and maintenance of street, sidewalk and streetlight programs);

Recreation and Culture Services (development and implementation of parks and Village Hall program, recreation awards, member of the Bible Hill Parks and Recreation Committee ); trees (development and administration of tree sanitation and planting programs, member of the Bible Hill Tree Committee); and

Personnel (interpretation and implementation of personnel policy, supervision of staff).

#### STATUS OF CHAIRPERSON

5.02 The chairperson shall be ex officio a member of all committees.

#### SPECIAL COMMITTEES

5.03 The commission may from time to time appoint such special committees as it deems necessary for the purpose of inquiring into and reporting upon any matter referred to such committees.

#### ELECTORS MEETINGS

##### NOTICE

6.01 The clerk and treasurer shall give notice of the time, date and place of an electors meeting by causing notice to be posted in not less than five (5) conspicuous places in the village and by at least one notice in a newspaper circulating in the village at least (14) days before the date of such meeting. Such notice shall contain brief particulars of the purpose and amount of the proposed borrowing.

##### BALLOTS

6.02 The clerk and treasurer shall, as each elector enters the place of the meeting, issue or cause to be issued ballots to each elector qualified to vote at such meeting.

##### CHAIRPERSON TO PRESIDE

6.03 The chairperson shall preside at all electors meetings. The chairperson shall state the purpose of the meeting, and shall call for a discussion thereof.

##### VOTING

6.04 After the meeting has been opened for discussion of the proposed borrowing for a sufficient length of time, the chairperson shall call for a motion that the discussion shall cease and that the voting takes place. Upon the passing of such motion, the electors shall mark their ballots "for" or "against" the proposed borrowing.

## SCRUTINEERS

6.05 The chairperson shall appoint two (2) electors to act as scrutineers. The scrutineers shall collect the ballots, and the chairperson in the presence of each of the two scrutineers shall examine the ballot papers and count the votes, and shall announce the result of the ballot. In the event of an equality of ballots "for" and "against", the chairperson shall declare the motion lost.

## 7. SANITARY SEWER SYSTEMS

### APPLICATION

7.01 Where land development incorporates the implementation of a sanitary sewer system which discharges into an existing sanitary sewer of the village, the following conditions shall apply.

### DESIGN

An approval to construct from the Department of Environment shall be obtained prior to construction.

Sanitary sewer system design requirements include:

Sanitary sewers shall be designed by a professional engineer licensed pursuant to the Nova Scotia Engineering Profession Act and shall be approved by the village;

Sanitary sewers shall be installed along the centre line of the road with a minimum cover of 1.5 metres unless otherwise approved by the village;

Manholes shall be installed at all changes in grade or direction and at all intersections and at intervals not exceeding 100 metres;

Sanitary sewers shall be of a minimum diameter of 200mm unless otherwise approved by the village. Service laterals shall be a minimum diameter of 100mm;

Sewerage pumping stations shall be designed using pre-cast reinforced concrete structures and a minimum of two (2) three - phase submersible sewerage pumps such that if one unit is out of service, the remaining unity will be able to handle the maximum sewerage flows. Pumps shall be capable of passing 50 mm diameter solids and shall be designed with level control system to automatically alternate the pumps in use. Sewerage pumping stations shall meet the requirements of the county and designs and specifications shall be approved by the village prior to construction.

### MATERIALS AND WORKMANSHIP

Technical specifications for sanitary sewer systems

Materials and workmanship shall meet the County of Colchester technical specifications for sanitary sewerage and storm drainage systems (latest revision).

## CONSTRUCTION INSPECTION

7.04 Full time construction inspection shall be provided by a professional engineer or qualified representatives of such engineer as retained by the village. Construction inspectors shall ensure that all work and materials meets the technical specifications and shall conduct and record performance test as specified. Test reports shall be made available to the village upon completion of all work. All costs for sanitary sewerage system construction inspection shall be reimbursed to the village, by the subdivision developer.

## ACCEPTANCE BY THE VILLAGE

7.05 On condition that sections 7.01, 7.02, 7.03 and 7.04 above have been fully complied with by the subdivision developer, and upon deposit with the clerk and treasurer of complete as-built plans of the sewerage system, the Village shall accept such sewerage system (subject to a one year warranty from date of acceptance, by the subdivision developer with respect to any materials and/or workmanship defects of such sewerage system).

## SEWER LATERALS REPAIR AND REPLACEMENT

7.06 The Village is responsible for the costs of repair and / or replacement of sewer laterals from the street line to the main trunk sewer, unless such repair or replacement is attributable to the property owner serviced by the sewer lateral in which case the Village may at its discretion charge part or all of the repair or replacement costs to the property owner serviced by the sewer lateral.

## 8. PENALTIES, REPEAL

### PENALTIES

8.01 Every person who violates any of these by-laws is liable upon summary conviction to a penalty not exceeding five thousand dollars (\$5,000.00) and in default of payment, to imprisonment not exceeding ninety (90) days.

### REPEAL

8.02 All by-laws of the Village of Bible Hill made prior to the date of approval of these by-laws by the Minister of Service Nova Scotia and Municipal Relations are repealed, effective on such date of approval.

FORM "A"

WE, the undersigned qualified electors of the Village of Bible Hill, within the meaning of the, hereby nominate

\_\_\_\_\_ of \_\_\_\_\_,

as a candidate for the office of Commissioner of the Village of Bible Hill. The election is to be held on the day of June , .

IN WITNESS WHEREOF we have hereunto subscribed our signatures this \_\_\_\_\_ day of \_\_\_\_\_, .

Signature

Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please print name of elector below each signature)

CONSENT AND OATH OF CANDIDATE

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

I, \_\_\_\_\_, named in the foregoing nomination paper, consent to the nomination;

I am a Canadian citizen by birth or naturalisation and am of the full age of nineteen (19) years;

I have for a period of six (6) months immediately preceding the date of this nomination been ordinarily a resident in the area comprising the Village of Bible Hill, and I continue to so reside.

I will accept the office of commissioner if elected.

SWORN (or affirmed) before me

this \_\_\_\_\_ day of \_\_\_\_\_ )

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\_\_\_\_\_  
A Commissioner of the Supreme  
Court of Nova Scotia

\_\_\_\_\_  
CANDIDATE

BE IT RESOLVED that subject to the consent of the Minister of Service Nova Scotia and Municipal Relations the Commissioners of the Village of Bible Hill do hereby adopt the forgoing as By Laws of the Village of Bible Hill.

We certify that this is a true and correct copy of a resolution duly passed by the Village of Bible Hill at a meeting duly called and held on February 21, 2006.

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Tom Burke, Deputy Chairman

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Robert Christianson, Clerk and Treasurer