



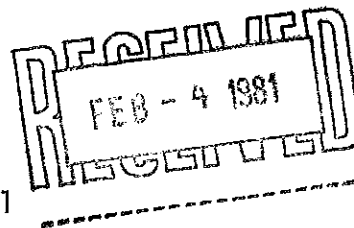
Province of Nova Scotia

Department of Municipal Affairs

P.O. Box 216, Halifax, Nova Scotia B3J 2M4

ADMINISTRATION DIVISION

2 February 1981



Mr. Gerald Brimicombe
 Town Clerk-Treasurer
 Town of Mahone Bay
 Box 239
 Mahone Bay, Nova Scotia
 B0J 2E0

Dear Mr. Brimicombe:

RE: DRAINS BY-LAW

This by-law was adopted at a meeting of council held on September 29, 1980. The Minister of Municipal Affairs has approved the by-law with an amendment to Section 4.1 and I return a copy bearing his approval dated January 27, 1981.

The reason for the amendment is that this is really a statutory provision and the wording of the Statute was changed somewhat within the last year. I note that when you sent in the new certificate sheets as I requested there was also a certificate sheet for your town clerk by-law containing original signatures. Someone has written cancelled across this sheet but probably this is not appropriate as your by-law is still in force. I return this sheet so that you can affix it to your by-law if it has not been cancelled. Our records do not appear to indicate that the town clerk by-law has been repealed.

Yours very truly,

F. Robertson (Mrs.)
 Departmental Solicitor

FR/bma

Enc's.

BE IT RESOLVED that the following be and the same is hereby adopted and enacted as a by-law of the Town of Mahone Bay 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.

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BY-LAW NO.

A BY-LAW RESPECTING DRAINS

- | | | |
|-----|--|---------------------------|
| 1.1 | This by-law shall be known as and may be cited as the "Drains By-law". | Short title |
| 2.1 | The Council may, at any time, order by notice in writing, the owner of any dwelling house, shop or other building, lots or premises in the Town, fronting on any street in which there is a public sewer within one hundred feet of the building to make and establish a drain connection with said sewer in accordance with the Town and such drain connections shall be made and established by the owner of said property within thirty days after service of said order upon said owner or his authorized agent. | Connection may be ordered |

B 17

3.1 The Council may order by notice in writing, the owner of such dwelling house, shop or other building to install in such dwelling house, shop or other building, a suitable water closet and to connect same with the said sewer in accordance with the by-laws relating to the construction of sewers in the Town and such water closets shall be installed as aforesaid, within thirty (30) days after the service of said order upon such owner or his agent.

Water
Closets

4.1 Any owner of property situate within the Town which fronts on any street in which there is a public sewer, who refuses or neglects to make such connections, or to install such water closets as aforesaid, as the case may be, within the time mentioned in said notice, shall be liable on conviction to a penalty of not less than twenty-five dollars (\$25.00) for every day during which he refuses to make such drain connections as aforesaid or install such water closets as aforesaid, as the case may be, after the expiration of the

Refusal
or neglect

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said period of thirty (30) days mentioned in said notice, and in default of payment of any penalty imposed under this Section, shall be liable to imprisonment for a period of not less than thirty (30) days for every penalty so remaining unpaid..

5.1 In case such owner or his agent refuses or neglects to establish and make such drain connections, or to install such water closets as aforesaid, within the time specified, the Council may without further notice, cause the same to be done, at the cost and charges of the owner and the costs and charges of establishing and making such connections or installing such water closets, as aforesaid, as the case may be, may be recovered from the said owner by the Town by an action in a court having jurisdiction and for the purpose of carrying out such work and establishing and making such drain connections or installing such water closets as aforesaid as the case may be, the Director of Public Works, the Sewer Inspector or Street

Work done
and charged
to owner



Superintendent for the Town, may enter upon such dwelling houses, places, shops, or other buildings, lots or premises, with sufficient workmen and make all necessary excavations and do all other acts and things therein, thereupon and thereunder, which said Director of Public Works, Sewer Inspector or Street Superintendent shall deem necessary for establishing and making such drain or installing such water closet as aforesaid, as the case may be, and the costs and charges and expenses thereof may be recovered from the said owner by the Town by action in a court having jurisdiction.

6.1 Whenever a public sewer has been or shall hereafter be constructed in any street or right-of-way of the Town, and the Council of the Town shall by resolution set a date when cesspits, privies or earth closets shall not be allowed or permitted to exist in connection with any building situate on a lot fronting on said street or which may be easily accessible to a public sewer on said street or

Prohibition
of cesspits



right-of-way, the said Council shall have power or order said privies or earth closets to be removed and cesspits closed at the expense of the owner thereto and any person or persons who suffer such earth closet or privy to remain on his premises or refuses or neglects to close cesspits within thirty (30) days after being notified as aforesaid to remove or close same shall be liable on conviction to a penalty not to exceed Five Hundred Dollars (\$500.00) and in default of payment to imprisonment for not more than three (3) months.

7.1 All former Drains By-laws of the Town Repeal are hereby repealed and this by-law substituted therefor.



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This is to certify that the foregoing A By-law
Respecting Drains is a true copy of a By-law passed
by the Council of the Town of Mahone Bay at a duly
called meeting held on the twenty-ninth day of September,
1980.



TOWN CLERK

Dated at Mahone Bay, this nineteenth day of January, 1981.

TOWN OF MAHONE BAY

DRAINS BY-LAW

Adopted by Council September 29, 1980

Recommended for approval with an amendment



Departmental Solicitor

The Drains By-law which was adopted at a meeting of Mahone Bay Council held on September 29, 1980, pursuant to Section 4 of the Municipal Affairs Act, is amended as follows:

Section 4.1 is amended by deleting the word "are" in line seven and all of lines 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and substituting the following therefore:

"the penalty prescribed by the Summary Proceedings Act"

Dated at Halifax this 27th day of January 1981.



Minister of Municipal Affairs