

November 29, 2022

Mr. Alain Muise
Chief Administrative Officer
Municipality of the District of Argyle
27 Courthouse Road
Tusket, NS B0W 3M0

Dear Mr. Muise,

Re: Amended Bylaws

Further to our conversation, I reviewed the sections of the Argyle bylaws that are being submitted for Summary Offence Ticket (“SOT”) designation in order to determine which bylaws need amendments to support the SOT schedule. I am reporting regarding the findings of that review and attaching the amended bylaws.

It should be noted that these bylaws were not reviewed for content outside of the particular sections being designated.

Some of the bylaws did not need amendments, as the current wording supports the SOT schedule as drafted. By Law #9A Noise, By Law #12A Dogs, By Law #29 West Pubnico Sewer, and By Law #37 Wedgeport Wastewater District do not need amendments.

I will provide details on the amendments needed in remaining bylaws.

By Law #11 Animals

This bylaw only needs the word ‘except’ added under section 4(a). This was likely omitted in error but was flagged by Justice upon their review.

By Law #16 Dangerous and Unsightly Premises

It came to my attention when reviewing the Municipality of Argyle’s website that this By Law has been repealed and replaced with a policy. A policy will not be able to support SOT designation. As such, Council will have to pass the bylaw again or remove the designations for this bylaw from the schedule.

Sarah Dobson | Lawyer

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By Law #27A Solid Waste Resource Collection and Disposal

This bylaw had some inconsistent numbering in its subsections that must be amended for clarity. Specifically, under subsection 3(M) the subsections were incorrectly numbered. All of the sections are highlighted in the amended bylaw as the numbers have changed to make them consistent throughout.

The amended section M(vi) is revised to clarify who bears responsibility for sorting compostable material (owners and occupants of property in the municipality). It is subsection M(1) in the current bylaw.

I also note that some grammatical errors were cleaned up in the subsections under 3(M), including in a few sections that were not designated. In the amended bylaw, these changes include:

- 3(M)(ix)—word “by” removed to make it “used ~~by~~ for the collection...”
- 3(N)(13)—period before “Where” removed to make section one sentence.
- 3(N)(16)—“in accordance to this bylaw” amended to “in accordance with this bylaw” and brackets around Municipality removed.

Also of note, I removed section 4(B)(i)(2) from designation in the SOT Schedule. It previously read:

25	Being a property occupier and failing to place sorted materials in storage between collections.	4(B)(i)(2)	
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This wording made it an offence not to place materials in storage between collections (meaning people would technically have to take out their garbage in between collections). The offence designated under 4(B)(i)(1) already requires occupants to sort waste properly, so there was no need for this section to be designated.

By Law #30 Tusket Wastewater Management District

This by law was recently amended. The SOT schedule was updated to reflect the change (the addition of “shall limit access to” in Part 6, Section 3.

Further amendment is needed to Part 6, Section 2 to add who bears responsibility for the offence. It is reworded to state that “no person shall...” connect an open gutter.

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Part 6, Section 9 is amended to section it into two parts. The current wording of the section is too lengthy and has too many legal requirements to support SOT designation. This amendment creates a new Section 10 with subsections detailing the requirements for owners of garages, service stations, car wash operations and similar businesses.

Part 6, Section 10 was amended to remove the language “and shall be maintained by him”.

Should you have any questions or concerns about these amendments please don't hesitate to contact me. Once the amended bylaws are passed, certified copies will be needed to give to the Department of Justice alongside our SOT schedule.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Sarah Dobson".

Sarah Dobson
SD/SD

With Enclosures