

MUNICIPALITY OF THE DISTRICT OF YARMOUTH

**THE DESTRUCTION OF CERTAIN DOCUMENTS
BY-LAW
D-044-00**

Effective Date:

1. The Council may, by Resolution which may be in the form as set out in Schedule “A” of this By-law or to the like effect, cause the destruction of any documents or records of the Municipality after they are no longer required, provided that the Clerk submits to the Council his affidavit setting forth each of the documents or records to be destroyed and that he has personally examined each of the documents or records proposed to be destroyed and that there is nothing of value therein.
2. The affidavit of the Clerk setting out that he has personally examined each document on record and that there is nothing of value therein may be in the form set out in Schedule “B” of this By-law, or to the like effect.
3. Nothing in this By-law shall authorize the destruction of the following documents:
 - (a) Deeds, mortgages or other documents or records relating to the title of real property;
 - (b) Court records;
 - (c) Records required to be kept by any Statute;
 - (d) Records less than five years old;
 - (e) Minutes, By-laws resolutions of the Council
 - (f) Plans and surveying records; and
 - (g) Affidavit of the Clerk made pursuant to this By-law.

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**Schedule "A"
Resolution Of Council**

WHEREAS the documents and records of the Municipality of the District of Yarmouth as set out in the Affidavit of _____, the Municipal Clerk, sworn to the _____ day of _____, A.D. 20__, are no longer required;

AND WHEREAS according to the said Affidavit the said documents and records have been personally examined by the said Clerk and he has determined that there is nothing of value therein and that the said documents and records do not include any documents or records which are exempt from destruction pursuant to Section 3 of the Destruction of Documents By-law;

BE IT THEREFORE RESOLVED that the said documents and records as set out in the said Affidavit of the said Clerk be forthwith removed and destroyed.

THIS IT TO CERTIFY that the foregoing is a true copy of a Resolution duly passed at a duly called Meeting of the Municipal Council, Municipality of the District of Yarmouth, duly held at Yarmouth, Nova Scotia, on _____, the _____ day of _____, A.D. 20 .

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Municipality this _____ day of _____, A.D., 20 .

Municipal Clerk-Treasurer

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**Schedule "B"
Affidavit**

IN THE MATTER OF: The Municipal Act, Revised Statutes of Nova Scotia, 1989,
Chapter

- and -

IN THE MATTER OF: The Destruction of Documents By-law of the Municipality of the
District of Yarmouth.

I, _____ of _____, in the County of
Yarmouth and Province of Nova Scotia, Clerk of the Municipality of the District of
Yarmouth, do make oath and say:

1. THAT I am the Municipal Clerk of the Municipality of the District of Yarmouth.
2. THAT I have personally examined each of the documents and records listed
immediately below, pursuant to the Destruction of Documents By-law of the
Municipality of the District of Yarmouth which permits the destruction of
documents and records which are no longer required.
 - (a)
 - (b)
 - (c)
3. THAT the aforesaid list does not contain any document or record exempt from
destruction pursuant to Section 3 of the said By-law.
4. THAT to the best of my knowledge and belief there is nothing of value contained
therein.
5. THAT the said documents and records are no longer required by the said
Municipal Council.

SWORN TO at _____, in the)
County of Yarmouth, Province of Nova Scotia,)
this _____ day of _____. A.D., 20____,)
before me:)

_____) _____

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Effective Date:

A Commissioner of the Supreme Court of)
Nova Scotia)

Clerk's Annotation For Official By-Law Book

Date of first reading: _____
Date of advertisement of Notice of Intent to Consider: _____
Date of second reading: _____
*Date of advertisement of Passage of By-Law: _____
Date of mailing to Minister a certified copy of By-Law: _____

I certify that this by-law was adopted by Council and
published as indicated above.

Clerk
Date May, 2004

Date last

reviewed: April 14, 2004

Date of last amendment: