

BYLAW NO. 7

DESTRUCTION OF DOCUMENTS BYLAW

1. The Council may by resolution which may be in 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 Town 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 or record and that there is nothing of value therein may be in form as 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 (5) years old;
 - (e) minutes, By-Laws, or resolutions of the Council;
 - (f) plans and surveying records; and
 - (g) affidavits of the Clerk made pursuant to this By-Law.

SCHEDULE "A"

TOWN OF YARMOUTH

RESOLUTION OF COUNCIL

WHEREAS the documents and records of the Town of Yarmouth as set out in the affidavit of _____, the Town Clerk, sworn to the _____ day of _____, A.D., _____, 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 IS TO CERTIFY THAT the foregoing is a true copy of a resolution duly passed at a duly called meeting of the Town Council of the Town of Yarmouth, duly held on the _____ day of _____ A.D., _____.

GIVEN under the hand of the Town Clerk and under the corporate seal of the said Town this _____ day of _____, A.D., 19 _____.

CLERK

SCHEDULE "B"

TOWN OF YARMOUTH

AFFIDAVIT

IN THE MATTER OF the Towns Act

- and -

IN THE MATTER OF the Destruction of Documents By-Law of the Town of Yarmouth

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

- 1. THAT I am the Town Clerk of the Town 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 Town of Yarmouth which permits the destruction of documents and records which are no longer required:
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
- 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 Town Council.

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

A Commissioner of the Supreme Court of Nova Scotia