

BYLAW NO. 6

OFFICERS BYLAW

1. (a) Every officer of the town shall, before entering upon the duties of his office, take and subscribe the following oath of office:

“I, A.B., do swear that I will truly and faithfully, to the best of my knowledge and ability, execute the office of _____, to which I have been appointed in the Town of Yarmouth, so long as I shall hold the said office, on reappointment or otherwise, so help me God.”
 - (b) Upon reappointment to any office, such oath shall not be necessary.
 - (c) Such oath may be administered by the Mayor, the Stipendiary Magistrate or a Councillor, or the Town Administrator or any Justice of the Peace.
 - (d) A memorandum of the fact of such oath having been taken shall be made by the Administrator in the book wherein is recorded such appointment.
2. Any person may be appointed to more than one office, the duties of which are not inconsistent with each other.
 3. Every officer shall, except as in these By-Laws otherwise provided, receive such remuneration as is determined by resolution of the Council.
 4. Subject to any statute, regulation, or other provision in this, or any, By-Law of the Town,

- (a) Every annual appointment shall be made by open voting of the Council;
 - (b) If the Council does not complete the appointment of all the officers on the day fixed for that purpose, it may do so at any adjourned or subsequent meeting;
 - (c) The Council may discontinue or omit the appointment of any officer appearing to it not necessary to be reappointed.
- 5.
 - (a) There shall be a Chief Administrative Officer for the Town.
 - (b) The Chief Administrative Officer shall perform all the functions of the Town Clerk and Treasurer and shall be responsible to the Town Council for the proper administration of the affairs of the Town and shall perform such other duties and functions as are imposed upon him by Resolution and By-Law of the Town Council from time to time;
- 6.
 - (a) The Superintendent of Public Works shall, in addition to any duties imposed by the Town Act or any other statute, regulations, or By-Law upon the Superintendent of Streets, be responsible for the activities of the Public Works Department of the Town, including the maintenance of all streets, lighting, sewers, water, and real property of the Town;
 - (b) The Superintendent of Public Works shall, superintend the general state of the streets within the Town and make regular and frequent inspection of the same; he shall remove or cause to be removed all incumbrances upon the

streets, and prevent encroachments thereon; he shall make repairs, alterations, and improvements thereon as required; he shall open and make new streets when authorized, make and repair bridges and other Town property and cause to be observed the laws touching the streets, bridges, sewers and other Town property and the work to be performed thereon; he shall make, raise, sink, alter or new-lay drains, water courses, pipes and sewers causing as little detriment to individuals as the case may admit of and may cause the course of gutters, water courses and channels running in or through the street to be altered; he shall have charge of and make all necessary arrangements for cleaning the streets; he shall keep accounts and records of all his proceedings and shall furnish to the Clerk-Treasurer accounts properly vouched and also estimates whenever required; he shall keep a register of plans of all streets and sewers in the Town and shall deposit a copy of the same in the office of the Chief Administrative Officer; he shall be responsible for assigning civic numbers to all buildings on Town Streets;

- (c) The Superintendent of Public Works shall also inspect carefully all operations connected with digging up or opening streets for the purpose of water or gas pipes being laid or repaired or other purposes and then replacing the surface properly, and in all cases when permission is given to open or disturb the surface of the streets the Superintendent of Public Works shall report, if there be any neglect or improper proceeding therein on the part of companies or others opening up such streets;
- (d) In any case when the surface is broken or any excavation made for any public purpose or by any person in any street

on leave duly had for any private purpose, the Superintendent of Public Works shall have an oversight of the work done, whether done by employees or agents of the Town, or by other persons who cause the disturbance or breaking of the street, and see that the streets are not injured more than is necessary in carrying out such purpose and that any soil removed is replaced and the street left in good condition after the work has ended.

7. There shall be a By-Law Enforcement Officer who shall report to the Chief Administrative Officer. The Council may appoint from time to time such other By-Law Enforcement Officers as it shall deem reasonable and necessary for the proper enforcement of the By-Laws of the Town of Yarmouth. The duties and functions of the By-Law Enforcement Officer shall be subject to compliance with the provisions of the Police Act, S.N.S. 1974, Chapter 9, as amended.
8. The Town Solicitor shall:
 - (a) Give legal advice and assistance to the Council in the performance of the duties of their respective offices, including the necessary attendances and opinion, both verbal and written;
 - (b) Attend all meetings of the Council, and of any committee of the Council when requested to do so;
 - (c) Draft and revise all legal documents, contracts, By-Laws, By-Law amendments, and legislation, required by the Town;
 - (d) Act as solicitor and counsel for the Town in all actions in

which the Town is a party, or which are conducted on behalf of, or on the part of, the Town;

- (e) Supervise the laying, prosecution, continuance, and discontinuance of all charges or offenses against Provincial Statutes and Regulations occurring within the Town, and all charges of offences against Town By-Laws;
- (f) Take charge of and manage all the legal business connected with the affairs of the Town;
- (g) The Town Solicitor shall be paid such retainer and fees as shall be determined by the Council from time to time, and where no such retainer or fees are set forth he shall be paid fees on the normal solicitor-client basis, as applicable for practicing lawyers in the Province of Nova Scotia.