

**A Resource for Farm Businesses:
Q & A on Environmental Law (2010)**

**Appendix A
Reference Guide
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On-line Resources

Federal Statutes

<http://laws.justice.gc.ca/en/BrowseTitle>

Provincial Statutes

<http://www.gov.ns.ca/legislature/legc/>

Provincial Regulations

<http://www.gov.ns.ca/just/regulations/rxaa-1.htm>

Kings County Municipal Land Use By law

<http://www.county.kings.ns.ca/comdev/lub/default.htm>

NS Department of Environment Regional and District Office Contact Information

<http://www.gov.ns.ca/nse/offices/emcoffices.asp>

Nova Scotia Federation of Agriculture Policy Initiatives 2010

<http://www.nsfa-fane.ca/news/nsfa-policy-paper-2010>

History of Riparian Rights

Historically, under the common law, every person who owned land had certain rights to the water on that land; for example, the right to access groundwater or spring water on the land. Where land included a stream or other waterway, common law “riparian rights” allowed use of that water, including diverting the water from the stream. The common law right indicated that as much water as required to enjoy the land could be diverted. This included the use of water for livestock or the watering of crops.

These common law rules were developed many years ago, at a time when every household had livestock and crops. The massive amounts of water that may be necessary to support a typical agricultural operation today were not contemplated when these rules were put in place. Since the creation of the common law rules, the government of Nova Scotia has taken steps to limit a landowner’s right to use the water on his or her land. In 1919, the *Water Act* became law, vesting all watercourses in the provincial government. In subsequent years, groundwater was included in the vesting provision. These provisions are no longer contained in the *Water Act*, but are now retained in the *Environment Act*.

FEDERAL LEGISLATION

Fisheries Act

Definitions

34 "deleterious substance" means

(a) any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water, or

(b) any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water, and without limiting the generality of the foregoing includes

(c) any substance or class of substances prescribed pursuant to paragraph (2)(a),

(d) any water that contains any substance or class of substances in a quantity or concentration that is equal to or in excess of a quantity or concentration prescribed in respect of that substance or class of substances pursuant to paragraph (2)(b), and

(e) any water that has been subjected to a treatment, process or change prescribed pursuant to paragraph (2)(c);

"fish habitat" means spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Harmful Alteration of Fish Habitat

35(1) No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.

Deposit of Deleterious Substance

36(3) Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water.

Inspection

49(1) Subject to subsection (2), for the purpose of ensuring compliance with this Act and the regulations, a fishery officer or fishery guardian may enter and inspect any place, including any premises, vessel or vehicle, in which the officer or guardian believes on reasonable grounds there is any work or undertaking or any fish or other thing in respect of which this Act or the regulations apply and may

- (a) open any container that the officer or guardian believes on reasonable grounds contains any fish or other thing in respect of which this Act or the regulations apply;
- (b) examine any fish or other thing that the officer or guardian finds and take samples of it;
- (c) conduct any tests or analyses and take any measurements; and
- (d) require any person to produce for examination or copying any records, books of account or other documents that the officer or guardian believes on reasonable grounds contain information that is relevant to the administration of this Act or the regulations.

Operation of data processing systems and copying equipment

- (1.1) In carrying out an inspection of a place under subsection (1), a fishery officer or fishery guardian may,
- (a) use or cause to be used any data processing system at the place to examine any data contained in or available to the data processing system;
 - (b) reproduce any record or cause it to be reproduced from the data in the form of a print-out or other intelligible output and remove the print-out or other output for examination or copying; and
 - (c) use or cause to be used any copying equipment at the place to make copies of any record, book of account or other document.

Duty to assist

- (1.2) The owner or person in charge of a place that is inspected by a fishery officer or fishery guardian under subsection (1) and every person found in the place shall
- (a) give the officer or guardian all reasonable assistance to enable the officer or guardian to carry out the inspection and exercise any power conferred by this section; and
 - (b) provide the officer or guardian with any information relevant to the administration of this Act or the regulations that the officer or guardian may reasonably require.

PROVINCIAL LEGISLATION

Angling Act

Definitions

- 2(a) "lawfully fishing" means fishing in accordance with the game laws of the Province and the laws of the Dominion of Canada and any regulations made thereunder for the purpose of sport, and includes the taking and carrying away of any fish lawfully caught.
- 2(e) "uncultivated land" means land that is in its natural wild state, and includes also land that has been wholly or partially cleared, but is otherwise in its natural state.

Right to go upon land, river, stream or lake

- 3(1) Any resident of the Province shall have the right to go on foot along the banks of any river, stream or lake, upon and across any uncultivated lands and Crown lands for the purpose of lawfully fishing with rod and line in such rivers, streams or lakes.
- 3(2) Any resident of the Province shall have the right to go on, upon or across any river, stream or lake in boat or canoe or otherwise, for the purpose of lawfully fishing with rod and line in such rivers, streams or lakes.
- 3(3) The rights conferred by this Section shall not in any way limit or restrict the right of any owner or occupant to compensation for actual damages caused by any person going upon or across such lands for the purpose aforesaid, and shall not be construed to give the right to build any fires upon such lands.

Endangered Species Act

Conservation officers

- 7(6) A conservation officer or employee of the Department, acting in the discharge of the persons duties pursuant to this Act or the regulations, and any person assisting the conservation officer or employee, may enter upon any lands without being liable for trespass, but the person is not exempted from liability for actual damage caused by such entry.

Environment Act

Definitions

- 3(c) "adverse effect" means an effect that impairs or damages the environment, including an adverse effect respecting the health of humans or the reasonable enjoyment of life or property.
- 3(au) "substance" means
- (i) matter that is capable of becoming dispersed in the environment,
 - (ii) matter that is capable of becoming transformed in the environment into matter referred to in subclause (i),
 - (iii) sound, vibration, heat, radiation or another form of energy, or
 - (iv) any combination of things referred to in subclauses (i) to (iii).
- 3(bc) "water resource" means all fresh and marine waters comprising all surface water, groundwater and coastal water.
- 3(be) "watercourse" means
- (i) the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province, whether it contains water or not, and
 - (ii) all ground water.
- 3(bf) "watershed" means the area drained by, or contributing to a stream, lake or other body of water.
- 3(bg) "wetland" means land commonly referred to as a marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions

Application of Part (Environmental Impact Assessment)

- 31(1) Subject to subsection (2), the environmental-assessment process under this Part applies with respect to an undertaking as determined by the Minister or as prescribed in the regulations.
- 31(2) This Part does not apply to class environmental assessments as prescribed in the regulations.

No work without approval

- 32(1) Until the Minister has notified the proponent in writing that an undertaking is approved, no person shall commence work on the undertaking.

Approvals and Certificates Prohibition

50(2) No person shall commence or continue any activity designated by the regulations as requiring an approval, unless that person holds the appropriate approval.

Release of Substances Prohibition

67(1) No person shall knowingly release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause an adverse effect, unless authorized by an approval or the regulations.

67(2) No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause an adverse effect, unless authorized by an approval or the regulations.

Duty to report release

69(1) Any person responsible for the release of a substance into the environment that has caused, is causing or may cause an adverse effect, shall forthwith, as soon as that person knows or ought to know of the release, report it to

- (a) the Department at its emergency telephone number;
- (b) the owner of the substance, where applicable, if the person reporting knows or is readily able to ascertain the identity of the owner;
- (c) the person having care, management or control of the substance, where applicable, if the person reporting knows or is readily able to ascertain the identity of that person; and
- (d) any other person who the person reporting knows or ought to know may be directly affected by the release.

Duty to take remedial measures

71 Any person responsible for the release of a substance under this Part shall, at that person's own cost, and as soon as that person knows or ought to have known of the release of a substance into the environment that has caused, is causing or may cause an adverse effect,

- (a) take all reasonable measures to
 - (i) prevent, reduce and remedy the adverse effects of the substance, and
 - (ii) remove or otherwise dispose of the substance in such a manner as to minimize adverse effects;

Vesting of Watercourses

103 ...every watercourse and the sole and exclusive right to use, divert and appropriate any and all water at any time in any watercourse is vested forever in Her Majesty in the right of the Province and is deemed conclusively to have been so vested since May 16, 1919.

Lead Agency

104 The Department of Environment is designated as the lead agency of Government to

- (a) ensure that water is managed appropriately and used efficiently;
- (b) allocate water resources among competing users in a manner that will further sustainable development;
- (c) take such measures as are reasonable to provide access to safe, adequate and reliable water supplies for individual, municipal, industrial and agricultural uses;
- (d) ensure the health and integrity of aquatic ecosystems, to protect habitats for animals and plants and to provide for continued recreational benefits;
- (e) ensure informed decision making in water resource management through public education and participation.

Supervision

105 The Minister has supervision of the uses of all water resources and watercourse and the allocation of water in the Province.

Designation of Protected Water Area

106(1) The Minister, when requested by an operator of a water works or proposed water works, may designate an area surrounding any source or future source of water supply for a water works as a protected water area.

106(2) The operator of a water works or proposed water works named in a designation made pursuant to subsection (1) shall

- (a) give notice of the designation of the area as a protected water area by publishing the notice in a newspaper having circulation in the county or counties in which the area is located and in the Royal Gazette;
- (b) have the notice of designation recorded at the registry of deeds in the county or counties in which the area is located; and
- (c) post signs in the area indicating that it has been designated a protected water area.

106(3) The operator of a water works or proposed water works is responsible for taking all measures to protect the area designated, and the enforcement of any regulations made pursuant to subsection (6).

106(4) When requested by an operator of a water works or proposed water works, the Minister may cancel a designation made pursuant to this Section, in whole or in part.

106(5) Any protected water area designated pursuant to the Water Act, prior to the coming into force of this Act remains so designated.

106(6) At the request of the operator of the water works or proposed water works, the Minister may make regulations to prohibit, regulate or require the doing of any act or acts in a protected water area that may impair or prevent the impairment, as the case may be, of the quality of the water in the protected water area.

106(7) Before designating a protected water area, the Minister shall ensure that the operator of the water works or proposed water works has provided opportunities for public consultation.

- 106(8) No claim for injurious affection lies against any person as the result of a designation of a protected water area.
- 106(9) The exercise by the Minister of the authority contained in subsection (6) is regulations within the meaning of the Regulations Act

Assistance to inspectors

- 118 The owner or occupier of any place, or any person the inspector reasonably believes is related to or associated with any activity at the place, in respect of which an inspector is exercising powers or carrying out duties pursuant to this Part shall
- (a) give the inspector all reasonable assistance to enable the inspector to exercise those powers and carry out those duties; and
 - (b) furnish all information relative to the exercising of those powers and the carrying out of those duties that the inspector may reasonably require.

Right of entry and inspection

- 119(1) For the purpose of the administration of this Act, an inspector, subject to Sections 22 and 120, may, at any reasonable time,
- (a) enter and inspect any place to which an approval, certificate, temporary approval, variance or order issued pursuant to this Act relates to determine
 - (i) the extent, if any, to which a substance may cause, is causing or has caused an adverse effect,
 - (ii) the cause of any adverse effect that may occur, is occurring or has occurred,
 - (iii) how an adverse effect may be prevented, eliminated, reduced or ameliorated and how the environment may be rehabilitated,
 - (iv) compliance with this Act and the regulations;
 - (b) enter and inspect any place if the inspector has reasonable grounds to believe waste can be found in that place;
 - (c) enter and inspect any place in or from which the inspector has reasonable grounds to believe a substance is being, has been or may be released into the environment;
 - (d) enter and inspect any place that the inspector has reasonable grounds to believe is likely to contain documents related to
 - (i) an activity or thing that is or is required to be the subject of an approval, temporary approval, certificate of qualification, certificate of variance or order, or
 - (ii) the release of a substance into the environment;
 - (e) enter and inspect any place that the inspector has reasonable grounds to believe is, or is required to be, the subject of or referred to in an approval, temporary approval, certificate of qualification, certificate of variance or order;

- (f) stop and inspect any vehicle, aircraft or vessel to ascertain whether it or the manner in which it is being operated complies with this Act;
 - (g) where the inspector has reasonable grounds to believe that any thing may release, is releasing or has released into the environment a substance that may cause, is causing or has caused an adverse effect,
 - (i) require the person having care, management or control of the thing to detain the thing at the place where it is found, or
 - (ii) remove the thing or cause it to be removed from the place where it is found and give a receipt for it;
 - (h) require the production of any documents that are required to be kept pursuant to this Act or any other documents that are related to the purpose for which the inspector is exercising any power under clauses (a) to (g).
- 119(1A) An inspector and a person lawfully accompanying an inspector may, while carrying out duties under this Act, enter on or pass over any land or water, whether enclosed or not, without being liable for trespass and without the owner of the property having the right to object.
- 119(2) An inspector may not detain or remove a thing pursuant to clause (1)(g) for more than five days, excluding holidays, without the consent of the person having care, management or control of it or the owner of it, except pursuant to an order issued pursuant to subsection (3).
- 119(3) Where a justice is satisfied on evidence under oath by an inspector that there is reasonable ground to believe that a thing detained or removed pursuant to clause (1)(g) should be detained or removed for longer than five days, excluding holidays, to protect or conserve the environment, the justice may issue or renew an order authorizing an inspector to detain or remove the thing for the period of time set out in the order.
- 119(4) An inspector who applies for an order pursuant to subsection (3) shall give reasonable notice of the application to the person having care, management or control of the thing to be detained or removed or to the owner of it.
- 119(5) An inspector may remove documents that the inspector is entitled to examine or copy or otherwise reproduce but shall give a receipt to the person from whom they were taken and shall promptly return them on completion of the examination or reproduction.

Activities Designation Regulations (Environment Act)

Division I - Water Approvals

- 5(1) The use or alteration of a watercourse or a water resource for one or more of the following purposes:
- (a) the withdrawal or diversion of water in an amount greater than 23 000 L per day from a source of surface water or groundwater;
 - (b) the construction or maintenance of a dam;
 - (c) the storage of water in amounts of 25 000 m³ or greater;
 - (d) the construction or maintenance of a culvert in a manner consistent with current applicable guidelines and standards issued by the Department, excluding a culvert installed between June 1 and September 30 of any year;
 - (e) the construction or maintenance of a bridge where
 - (i) a portion of the structure of the bridge is in a watercourse, or
 - (ii) use of equipment in the watercourse or 3 m from the edge of the watercourse is required;
 - (f) the construction or maintenance of a causeway;
 - (g) the construction or maintenance of a wharf;
 - (h) the construction or maintenance of a weir, fishway or other instream structure;
 - (i) the removal of material from a surface watercourse;
 - (j) the diversion of a watercourse from its natural channel;
 - (k) the installation or maintenance of fishing equipment, a fishway, a counting fence, a fish habitat improvement structure, an aquaculture cage or any similar structure in a watercourse;
 - (l) the dredging or any other modification of a surface watercourse;
 - (m) the installation or maintenance of a pipeline, cable or other equipment in a surface watercourse;
 - (n) the placement of rock or other erosion protection material in a surface watercourse;
 - (na) the alteration of a wetland; or
 - (o) any other alteration of a surface watercourse or the flow of the water therein,

is designated as an activity.

- 5(2) Despite Section 3, an approval is not required for an activity designated in subsection (1) where the activity is
- (a) a non-recurring use of water from the same watercourse for less than 2 weeks;
 - (b) a continuous use of water less than 23 000 L per day;
 - (c) use of seawater;
 - (d) use of brackish water from an intertidal zone of a river estuary;
 - (e) maintenance of lands and structures incorporated by marsh bodies under the Marshland Reclamation Act; or
 - (f) such other use as may be exempted in writing by the Minister or an Administrator.

Part 12: Miscellaneous

- 23 The application to land of non-livestock generated wastes, wastewater and wastewater sludges is designated as an activity.

Dangerous Goods Management Regulations (Environment Act)

Disposal Offence

- 12 No person shall cause, suffer or permit the dumping, depositing, dropping, throwing, discharging or leaving of dangerous goods or waste dangerous goods in a manner which may cause an adverse effect without the prior written approval of the Minister or an Administrator.

Emergency Spills Regulations (Environment Act)

Definitions

- 2(k) "release" means to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place or exhaust;
- 2(m) "spill" means a release of a substance
- (i) into the environment,
 - (ii) from or out of an approved containment system, structure, aircraft, vehicle, vessel, process tank, pipeline, or other container,
 - (iii) that is abnormal in quantity or quality in light of all the circumstances of the release, or
 - (iv) in excess of an amount specified in these regulations or an approval.

Duty to report the release of a contaminant

- 6 A person responsible under Section 69 of the Act shall forthwith report an unauthorized release of a contaminant listed in Column 3 of Schedule "A" in quantities greater than those listed in Column 4 of Schedule "A" as soon as that person knows of the unauthorized release.

Verbal reporting requirements

- 7(1) A person reporting an unauthorized release under Section 6 shall notify the Department by contacting the environmental emergencies reporting centre by telephone at (902) 426-6030 or at 1-800-565-1633.

Schedule "A" - Spill Report Requirements

- 21. Used oil as defined in the Used Oil Regulations 100 L
- 22. Contaminated used oil as defined in the Used Oil Regulations 5 L
- 23. A pesticide in concentrated form 5 L or 5 kg
- 24. A pesticide [in] diluted form 70 L

Environmental Assessment Regulations

Schedule A Class I Undertakings

D. Energy

2. An energy generating facility, other than an emergency generator, that meets any one of the following:
 - (a) it has a production rating of at least 2 MW derived from wind, tides or waves;

Pesticide Regulation (Environment Act)

Prohibition

14(1) No person shall apply, handle, use, abandon or dispose of any pesticide, a mixture containing a pesticide or seeds treated with a pesticide unless the handling, use, abandonment or disposal is conducted in conformance with the product directions or limitations shown on the manufacturer's product label or in a manner approved by the Minister or an Administrator.

14(2) Despite subsection (1), no person shall apply, handle, use, abandon or dispose of a pesticide, a mixture or a device containing a pesticide or a material treated with a pesticide in a manner that results or may result in contamination of the environment.

Petroleum Management Regulations (Environment Act)

Definitions

- 2(v) "petroleum product" means a single product or mixture of at least 70% hydrocarbons refined from crude oil, natural gas, tar sands, coal or natural organic matter, with or without additives, that is used or could be used as a fuel, lubricant or power transmitter, and includes gasoline, diesel oil, aviation fuel, kerosene, naphtha, lubricating oil, fuel oil, engine oil including used oil and hydraulic fluid, but does not include liquified petroleum gas.

Spill Requirements

- 10 In the event of a spill, the person responsible shall immediately, as soon as the person knows of the spill,
 - (a) follow the reporting procedures prescribed in the *Emergency Spill Regulations*; and
 - (b) take such steps as are necessary to end the spill, clean the area affected and rehabilitate the environment to a standard prescribed or adopted by the Minister.

Storage Tank Registration

- 11(1) A person responsible for a storage tank system shall register with the Administrator all underground storage tanks and aboveground storage tanks in a storage tank system that have a combined nominal capacity of
 - (a) 2000 L or greater, in the case of underground storage tanks;

- (b) 4000 L or greater, in the case of aboveground storage tanks; or
- (c) 230 L or greater, in the case of an aboveground storage tank system at a marina.

Used Oil Regulations (Environment Act)

Definitions

- 2(c) "contaminated used oil" means used oil that
 - (i) has a flash point less than 38oC, or
 - (ii) contains any of the substances listed in Column I of Schedule "A" in a concentration in excess of the limit stated in Column II of Schedule "A";

- 2(o) "used oil" means petroleum or synthetic lubrication oils, hydraulic fluids, metal working fluids and insulating fluids which have been used and are no longer suitable for their original purpose, but are suitable for other uses, including re-refining or other uses that are considered acceptable to the Minister;

Environmental Goals and Sustainable Prosperity Act

Definitions

2(e) "net loss of wetlands" means net loss of wetland area and function, including habitat.

Long-term Objectives of Province

- 4(1) The long-term environmental and economic objective of the Province is to fully integrate environmental sustainability and economic prosperity and to this end to
- (b) the Province will adopt emissions standards for greenhouse gases and air pollutants from new motor vehicles, such as the standards adopted by the State of California by the year 2010
 - (e) greenhouse gas emissions will be at least ten per cent below the levels that were emitted in the year 1990 by the year 2020, as outlined in the New England Governors and Eastern Canadian Premiers Climate Change Action Plan of 2001
 - (g) eighteen and one-half per cent of the total electricity needs of the Province will be obtained from renewable energy sources by the year 2013
 - (k) a comprehensive water-resource management strategy will be developed by the year 2010;
 - (n) a policy of preventing net loss of wetlands will be established by the year 2009;
 - (o) the solid-waste disposal rate will be no greater than three hundred kilograms per person per year by the year 2015 through measures that include the development of new programs and product stewardship regulations;
 - (s) all new residential dwelling units constructed in the Province will be required to achieve an EnerGuide rating of 80, or meet energy conservation measures adopted in the Nova Scotia Building Code Regulations made under the Building Code Act after January 1, 2011

Expropriation Act

Definitions

3(1)(c) "expropriate" means the taking of land without the consent of the owner by an expropriating authority in the exercise of its statutory powers but does not include a reservation under Section 13 of the *Public Highways Act* or a prescription under Section 16 of the *Water Act*.

3(1)(h) "injurious affection" means

- (i) where a statutory authority acquires part of the land of an owner,
 - (A) the reduction in market value thereby caused to the remaining land of the owner by the acquisition or by the construction of the works thereon or by the use of the works thereon or any combination of them, and
 - (B) such personal and business damages, resulting from the construction or use, or both, of the works as the statutory authority would be liable for if the construction or use were not under the authority of a statute,
- (ii) where the statutory authority does not acquire part of the land of an owner,
 - (A) such reduction in the market value of the land of the owner, and
 - (B) such personal and business damages, resulting from the construction and not the use of the works by the statutory authority, as the statutory authority would be liable for if the construction were not under the authority of a statute,

and for the purposes of subclause (i), part of the land of an owner shall be deemed to have been acquired where the owner from whom land is acquired retains land contiguous to that acquired or retains land of which the use is enhanced by unified ownership with that acquired.

Duty to pay compensation

24 Where land is expropriated, the statutory authority shall pay the owner compensation as is determined in accordance with this Act.

Value

27(2) Subject to this Section, the value of land expropriated is the market value thereof, that is to say, the amount that would have been paid for the land if, at the time of its taking, it had been sold in the open market by a willing seller to a willing buyer.

Business loss from relocating and loss of goodwill

29(1) Where a business is located on the land expropriated, the statutory authority shall pay compensation for business loss resulting from the relocation of the business made necessary by the expropriation and, unless the owner and the statutory authority otherwise agree, the business losses shall not be determined until the business has moved and been in operation for twelve months or until a three-year period has elapsed from the date of the expropriation, whichever occurs first.

- 29(2) Where it is not feasible for the owner of a business to relocate, there shall be included in the compensation payable an amount for the loss of the business where the compensation for the land taken is based on the existing value of the land.

Injurious affection and loss of access

- 30(1) A statutory authority shall compensate the owner of land for loss or damage caused by injurious affection.

Farm Practices Act

Definitions

- 3(a) "agricultural operation" means an activity that is carried on for the purpose of the production of agricultural products or services for gain or reward and includes, but is not limited to,
- (i) the raising of livestock, including poultry, fur-bearing animals, honey bees, game birds and game animals,
 - (ii) the production of agricultural crops, including mushrooms, turf, maple syrup, greenhouse crops, orchards and nursery stock,
 - (iii) the production of eggs, cream and milk,
 - (iv) the operation of agricultural machinery and equipment, including irrigation pumps, bird scarers, exhaust fans and hay dryers,
 - (v) the process at a farm necessary to prepare a farm product for distribution, including cleaning, grading, storage and packaging,
 - (vi) the clearing, draining, leveling, irrigating or cultivating of land,
 - (vii) the application of fertilizers, soil conditioners, pest control products or other agricultural inputs,
 - (viii) the storage, disposal or use of organic by-products for farm purposes, and
 - (ix) any other activity prescribed by the Governor in Council;
- 3(d) "farm" means the land, buildings, structures, equipment, machinery and livestock used in the production of agricultural products or services for gain or reward;
- 3(e) "farmer" means an individual, a farm corporation, a co-operative corporation, an unincorporated association or a partnership that carries on an agricultural operation;

Function of Board

- 9(1) Any person may apply, in writing, to the Board for a determination as to whether or not an odour, noise, dust, vibration, light, smoke or other disturbance results from a normal farm practice.
- 9(3) The Board, on receipt of an application, shall determine if the farm practice being carried on by the farmer is consistent with the code of practice or, in the absence of a code of practice, with a directive, guideline or policy statement or with proper and accepted customs and standards of similar agricultural operations.
- 9(4) Where the Board determines that a farm practice is not a normal farm practice, the Board shall issue an order to modify or cease the farm practice.

Prohibition of certain civil proceedings

- 10(1) Subject to subsection (2), no person shall
- (a) commence a civil action in nuisance, negligence or otherwise, for any odour, noise, dust, vibration, light, smoke or other disturbance resulting from an agricultural operation; or

- (b) apply for an injunction or other order of a court preventing or restricting the carrying on of an agricultural operation because it causes any odour, noise, dust, vibration, light, smoke or other disturbance.

10(2) Subsection (1) does not apply

- (a) to an agricultural operation that is found by the Board not to comply with normal farm practices; or
- (b) where a farmer fails to comply with an order of the Board.

Restriction on application of by-laws

12 No municipal by-law respecting a nuisance, activity or thing that may be or may cause a nuisance including odour, noise, dust, vibration, light, smoke or other disturbance applies to restrict a normal farm practice carried on as part of an agricultural operation.

Farm Practices Board Regulations

Applications

- 7(2) An application shall be
- (a) accompanied by a fee of \$250.00 plus HST, made payable to the Minister of Finance; and
 - (b) delivered to the Farm Practices Board, 176 College Road, Truro, Nova Scotia, B2N 5E3
- 7(3) The fee prescribed in subsection (2) may be refunded if
- (a) the application is resolved or rejected before the Board renders a decision of a complaint regarding the subject matter of the application; or
 - (b) the application is successful.

Fences and Detention of Stray Livestock Act

Definitions

- 2(b) "livestock" means cattle, sheep, swine, goats, horses, ponies, mules, ratites, farmed deer and game farm animals and any other livestock designated by the Minister;
- 2(c) livestock farm" means that portion of land used for livestock, including land used for grazing purposes;

Fences

- 5(1) The owner of a livestock farm shall build and maintain fences adequate to prevent his livestock from escaping from his farm.

Disputes referred to committee

- 6(1) A person who believes that an owner of a livestock farm has not complied with or is not complying with subsection 5(1), and where the person has complied with subsection 5(2), where applicable, or any owner of a livestock farm who is unable to reach an agreement with an owner of an adjoining livestock farm pursuant to subsection 5(3) may notify, in writing, the clerk of the municipality in which the land is located and the notification shall be accompanied by the fee determined by the municipality.
- 6(2) When a clerk of a municipality receives a notification in writing pursuant to subsection (1), the clerk shall immediately refer the matter to the chair of the committee for that municipality who shall, within seven days, convene the committee and provide an opportunity for any of the parties to make representations to the committee, unless, before the expiry of seven days, the chair is satisfied that in respect of the matter referred to the committee this Act has been or is being complied with or an agreement has been reached between the parties.
- 6(5) Where any person fails to construct or maintain a fence or contribute to the costs of a fence after having been directed to do so by an order of the committee pursuant to this Section, the committee may cause the work so ordered to be done and, for that purpose, its agents and workers may enter upon any land and the costs shall be paid by the municipality in which the lands in respect of which the order was made are located and, where the person is the person assessed for the property on which the work is done, the costs paid by the municipality are a first lien on the property and may be collected in the same manner as municipal taxes.

Detention and sale of stray Livestock

- 9(1) Whenever any livestock strays onto the lands of a person and the ownership of the livestock is unknown, such person may detain the livestock.
- 9(2) If not claimed by the owner within forty-eight hours, a person detaining stray livestock shall forthwith transmit to the municipal clerk an adequate description of the livestock that will enable the owner to recognize it together with an indication of the time and place of finding and the place where the livestock is detained.

Compensation for damage

- 11 If any damage is done by livestock breaking into and destroying the product of any enclosure the same being enclosed at the time by a sufficient fence in the judgment of the committee, the owner of the livestock trespassing shall pay to the person injured compensation for such damage.

Municipalities Designated under the Fences and Detention of Stray Livestock Act

Annapolis
Antigonish
Cape Breton (CBRM)
Chester
Clare
Kings

Cumberland
Digby
East Hants
Halifax
Inverness

Lunenburg
Pictou
West Hants
Yarmouth
Clochester

Fences and Impounding of Animals Act

Construction of fence

- 3 All fences of enclosed lands shall be built of stones, pickets, boards, logs, poles, brush, posts and rails, or posts and wire, barbed or plain, unless the lands are bounded by unfordable ponds, rivers or the sea or surrounded by sufficient hedges.

Height of fence

- 4 Such fences shall be at least four feet and a half high, except stone walls and picket, board and wire fences, which shall be at least four feet high.

Water barrier

- 5 Only such rivers, creeks, bays, harbours and inlets of the sea shall be deemed lawful fences, as in the judgement of the fence viewers of the polling district where the lands lie are sufficiently deep and inaccessible to prevent the passing of animals.

Land Surveyors Act

Right of entry on land and liability

- 15 Every Nova Scotia Land Surveyor and his assistants, when engaged in professional land surveying, may enter upon and pass over any land, doing as little damage as possible and, save as hereinafter provided, no action shall lie against such Nova Scotia Land Surveyor or his assistants for any act done under this Section, provided that such Nova Scotia Land Surveyor shall be liable for any unnecessary damage done by him or by his assistants under this Section.

Obstruction is offence

- 16 Every person who molests, hinders or obstructs any Nova Scotia Land Surveyor or his assistants while engaged in the carrying on of his profession shall be guilty of an offence under this Act.

Municipal Government Act

By-law adoption procedure

168(1) A by-law shall be read twice.

168(2) At least fourteen days before a by-law is read for a second time, notice of the council's intent to consider the by-law shall be published in a newspaper circulating in the municipality.

168(3) The notice shall state the object of the by-law, the date and time of the meeting at which the council proposes to consider it and the place where the proposed by-law may be inspected.

Power to make by-laws

172(1) A council may make by-laws, for municipal purposes, respecting

- (a) the health, well being, safety and protection of persons;
- (b) the safety and protection of property;
- (c) persons, activities and things in, on or near a public place or place that is open to the public;
- (d) nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations
- (j) regulation of the application and use of pesticides, herbicides and insecticides for the maintenance of outdoor trees, shrubs, flowers, other ornamental plants and turf on the part of a property used for residential purposes and on property of the municipality ... but a by-law may not prohibit the use of pesticides, herbicides and insecticides and a by-law pursuant to this clause does not apply to property used for agricultural or forestry purposes;

174 Without limiting the generality of Section 172, a council may make by-laws respecting,

- (e) off-road vehicles on public or private property;
- (f) wild and domestic animals and activities in relation to them.

Protected water supply area

180(1) The council may, by by-law, designate lands owned by a municipality as protected water supply areas.

180(2) No person shall

- (a) place, or permit to escape, any matter or thing of an offensive nature, deleterious nature or likely to impair the quality of water for use for domestic purposes, upon land in a protected water supply area;
- (b) fish or bathe in a lake, or other body of water, in a protected water supply area;
- (c) camp on land in a protected water supply area;
- (d) cut wood or erect, construct or place a building or structure in a protected water supply area without the permission of the council.

180(3) The Angling Act does not apply to a lake, river or stream forming part of a water supply area of a municipality or village or to the land surrounding or adjacent to them.

Definitions (for Planning and Development)

191(a) "aggrieved person" includes

- (i) an individual who bona fide believes the decision of the council will adversely affect the value, or reasonable enjoyment, of the person's property or the reasonable enjoyment of property occupied by the person,
- (ii) an incorporated organization, the objects of which include promoting or protecting the quality of life of persons residing in the neighbourhood affected by the council's decision, or features, structures or sites of the community affected by the council's decision, having significant cultural, architectural or recreational value, and
- (iii) an incorporated or unincorporated organization in which the majority of members are individuals referred to in subclause (i);

191(c) "development" includes the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures;

Planning documents reasonably consistent (with statements of provincial interest)

198(1) Planning documents adopted after the adoption of a statement of provincial interest shall be reasonably consistent with the statement.

Open meetings and expectations

203(1) Meetings of a planning advisory committee, joint planning advisory committee or area planning advisory committee or a commission are open to the public, unless the committee or commission, by a majority vote, moves a meeting in private to discuss matters related to

- (a) personnel, labour relations, contract negotiations, litigation or potential litigation or legal advice eligible for solicitor-client privilege; or
- (b) a potential application for a development permit, land-use by-law amendment, development agreement or amendment to a development agreement before the applicant has applied to the municipality or development officer.

Requirements for adoption of planning documents

205(3) Before planning documents are read for a second time the council shall hold a public hearing.

Municipal planning strategy

212 A council may adopt a municipal planning strategy for all, or part, of the municipality and there may be separate strategies for different parts of the municipality.

Purpose of municipal planning strategy

213 The purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the municipality and, to further this purpose, to establish...

Content of land-use by-law

220(4) A land-use by-law may

- (a) regulate the minimum dimensions for frontage and lot area for any class of use and size of structure;
- (b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;
- (c) regulate the maximum area of the ground that a structure may cover;
- (ca) regulate the location of a structure on a lot;
- (d) regulate the height of structures;
- (e) regulate the percentage of land that may be built upon;
- (f) regulate the size, or other requirements, relating to yards;
- (g) regulate the maximum density of dwelling units;
- (h) require and regulate the establishment and location of off-street parking and loading facilities;
- (i) regulate the location of developments adjacent to pits and quarries;
- (j) regulate the period of time for which temporary developments may be permitted;
- (k) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;
- (ka) regulate the floor area ratio of a building;
- (l) prescribe the fees for an application to amend a land-use by-law or for entering into a development agreement, site plan or variance.

Right of entry

267(1) This Section applies to this Part and Part IX.

267(2) A person authorized by the Minister or by a council has the right to enter at all reasonable times in or upon any property within the municipality, without a warrant, for the purposes of an inspection necessary to administer an order, land-use by-law, development agreement, regulation or statement of provincial interest.

267(3) The authorized person shall not enter any place actually being used as a dwelling without the consent of the occupier unless the entry is made in daylight hours and written notice of the time of the entry has been given to the occupier at least twenty-four hours in advance of the entry.

SCHEDULE B Statements of Provincial Interest

Agricultural Land means active farmland and land with agricultural potential as defined by the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, specialty crop lands and dykelands suitable for commercial agricultural operations as identified by the Department of Agriculture and Marketing.

Statement of Provincial Interest Regarding Agricultural Land

Goal

To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

Basis

The preservation of agricultural land is important to the future of Nova Scotians.

Agricultural land is being lost to non-agricultural development.

There are land-use conflicts between agricultural and non-agricultural land uses.

Application

This statement applies to all active agricultural land and land with agricultural potential in the Province.

Provisions

1. Planning documents must identify agricultural lands within the planning area.
2. Planning documents must address the protection of agricultural land. Measures that should be considered include:
 - (a) giving priority to uses such as agricultural, agricultural related and uses which do not eliminate the possibility of using the land for agricultural purposes in the future. Non-agricultural uses should be balanced against the need to preserve agricultural land;
 - (b) limiting the number of lots. Too many lots may encourage non-agricultural development. The minimum size of lots and density of development should be balanced against the need to preserve agricultural land;
 - (c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;
 - (d) measures to reduce topsoil removal on lands with the highest agricultural value.
3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when agricultural land is located within an urban area. In these cases, planning documents must address the reasons why agriculture lands cannot be protected for agricultural use. Where possible, non-agricultural development should be directed to the lands with the lowest agricultural value.

Occupier's Liability Act

Definitions

- 2(a) "occupier" means an occupier at common law and includes
- (i) a person who is in physical possession of premises, or
 - (ii) a person who has responsibility for, and control over, the condition of premises, the activities conducted on the premises or the persons allowed to enter the premises,

and, for the purpose of this Act, there may be more than one occupier of the same premises;

- 2(b) "premises" includes
- (i) land and structures, or either of them, except portable structures and equipment,
 - (ii) water,
 - (iii) ships and vessels,
 - (iv) notwithstanding subclause (i), trailers and portable structures designed or used for a residence, business or shelter,
 - (v) railway cars, vehicles and aircraft, except while in operation.

Duties of occupier

- 4(1) An occupier of premises owes a duty to take such care as in all the circumstances of the case is reasonable to see that each person entering on the premises and the property brought on the premises by that person are reasonably safe while on the premises.
- 4(2) The duty created by subsection (1) applies in respect of
- (a) the condition of the premises;
 - (b) activities on the premises; and
 - (c) the conduct of third parties on the premises.
- 4(3) Without restricting the generality of subsection (1), in determining whether the duty of care created by subsection (1) has been discharged, consideration shall be given to
- (a) the knowledge that the occupier has or ought to have of the likelihood of persons or property being on the premises;
 - (b) the circumstances of the entry into the premises;
 - (c) the age of the person entering the premises;
 - (d) the ability of the person entering the premises to appreciate the danger;
 - (e) the effort made by the occupier to give warning of the danger concerned or to discourage persons from incurring the risk; and
 - (f) whether the risk is one against which, in all the circumstances of the case, the occupier may reasonably be expected to offer some protection.

Willing assumption of risk

- 5(1) The duty of care created by subsection 4(1) does not apply in respect of risks willingly assumed by the person who enters on the premises but, in that case, the occupier owes a duty to the person not to create a danger with the deliberate intent of doing harm or damage to the person or property of that person and not to act with reckless disregard of the presence of the person or property of that person.
- 5(2) A person who is on premises without the permission of the occupier for the purpose of committing an offence against the person or the right of property contrary to the *Criminal Code* (Canada) is deemed to have willingly assumed all risks and the duty of care created by subsection (1) applies.

Deemed willing assumption of risk

- 6(1) This Section applies to
- (a) land used primarily for agricultural or forestry purposes;
 - (b) vacant or undeveloped rural land;
 - (c) forested or wilderness land;
 - (h) private roads situated on lands referred to in this subsection;
 - (i) private roads to which this Section does not otherwise apply, reasonably marked by notice as private, where persons are physically restricted from access by a gate or other structure; and
 - (j) recreational trails reasonably marked by notice as such.
- 6(2) Subject to subsection (3), a person who enters premises described in subsection (1) is deemed to have willingly assumed all the risks and the duty created by subsection 5(1) applies.

Off-Highway Vehicle Act

Definitions

2(d) "off-highway vehicle" means a

- (i) snow vehicle,
- (ii) all-terrain vehicle,
- (iii) motorcycle,
- (iv) mini bike,
- (v) four-wheel-drive or low-tire-pressure vehicle,
- (vi) dune buggy.

Wetland, watercourse, dune, barren or other sensitive area

12A(1) No person shall operate an off-highway vehicle in or on

- (a) a wetland, swamp or marsh;
- (b) a watercourse as defined by the Environment Act;
- (c) a sand dune;
- (d) a coastal or highland barren; or
- (e) a sensitive area as designated by or defined by the regulations.¹

Permission of owner or occupier

14(1) No person shall operate an off-highway vehicle on a sidewalk, walkway, school grounds, utility service lane, cultivated land, private forest land, campground, golf course, park, playground, or any private property, without the written permission of the owner or occupier.

14(2) This Section does not apply to

- (a) crossing a sidewalk to leave or enter a permanent driveway;
- (b) lawful parking, loading or unloading;
- (c) authorized construction or maintenance;
- (d) an area where the operation of off-highway vehicles is permitted by
 - (i) a designation of the area for that purpose by the council of a city, incorporated town or municipality of a county or district made with the consent of the owner or occupier.

14(3) Written permission for the purpose of subsection (1) may be given by the owner or occupier of land to an individual or through a recognized club or association.

Voluntary assumption of risks

14A Notwithstanding the Occupiers' Liability Act, a person who owns or operates or who is a passenger on an off-highway vehicle on land, with or without the permission of the owner or occupier of the land is deemed to have willingly assumed all risks related to the ownership or operation of or carriage on the off-highway vehicle except a danger created by the owner or occupier of the land with the deliberate intent of doing harm or damage to the person or property of the owner, operator or passenger.

¹ There are some limited exceptions to these restrictions in sections 12A (2)-(4) of the Act.

No prescriptive rights

14B No person who operates or who is passenger on an off-highway vehicle on land, with or without the permission of the owner or occupier of the land, thereby acquires any property rights with respect to the land.

Noise

15A No person shall operate an off-highway vehicle if the noise level of the vehicle is higher than the level originally set by the manufacturer because of the removal of the muffler or other noise dampening device or the modification of the muffler or other noise-dampening device so as to increase the noise level.

Liability insurance

15B No person shall operate an off-highway vehicle on any land of which the person is not an owner or occupier unless that person carries third-party liability insurance in at least the amount required by the regulations.

Manner of operation

- 16 (1) No person shall operate an off-highway vehicle
- (a) without due care and attention;
 - (b) without reasonable consideration for other persons, including passengers, or property;
 - (c) at an excessive rate of speed having regard to the conditions existing at the time;
 - (d) so as to annoy or worry a domestic or farm animal or wildlife.

Protection of Property Act

Entry or certain activity on premises

- 3(1) Every person who, without legal justification, whether conferred by an enactment or otherwise, or without the permission of the occupier or a person authorized by the occupier, the proof of which rests upon the person asserting justification or permission,
- (a) enters on premises that is a lawn, garden, orchard, vineyard, golf course or acreage managed for agricultural crops;
 - (b) enters on premises that are apparently a tree plantation area or a Christmas tree management area;
 - (c) enters on premises that are enclosed in a manner that indicates the occupier's intention to keep persons off the premises or to keep animals on the premises;
 - (d) dumps or deposits material of any kind or causes, suffers or permits material to be dumped or deposited on premises;
 - (e) enters on premises where entry is prohibited by notice; or
 - (f) engages in an activity which is prohibited on the premises by notice,

is guilty of an offence and on summary conviction is liable to a fine of not more than five hundred dollars.

Disturbing occupier

- 7 Every person who disturbs an occupier of premises by
- (a) the unreasonable operation for recreational purposes of a motor vehicle on, or in the vicinity of, the premises; or
 - (b) disorderly behaviour,
- is guilty of an offence and is liable on summary conviction to a fine of not more than five hundred dollars.

No prosecution for recreational activity

- 15(1) In this Section, "forest land" means a wooded area, forest stand, tract covered by underbrush, barren ground, marsh or bog, but does not include
- (a) an area that is apparently a tree plantation area or a Christmas tree management area;
 - (b) a special forestry study area;
 - (c) the immediate area where any activity is apparently being carried out on woodlands for the purpose of harvesting a forest product;
 - (d) a commercial berry growing area.
- 15(2) No person may be prosecuted for contravening any notice given pursuant to this Act prohibiting entry or prohibiting activity on forest land if that person is hunting as defined

in the *Wildlife Act*, fishing, picnicking, camping, hiking, skiing or engaged in another recreational activity or engaged in a study of flora or fauna.

Trails Act

Owner or occupier defined

18(1) In this section, an owner or occupier includes the owner of an easement, right of way or irrevocable licence over the trail, which may form part of the trail.

Assumption of risk

18(2) A user of a trail voluntarily assumes all risks that may be encountered on the land when using a trail, whether the person is on the trail or not.

Limitation on duty of care

18(3) Subject to subsection (4), where land has been designated as a trail, the owner or occupier of land, including the Crown, together with their agents, employees and servants, owes no duty of care towards a person who is using the land or that persons property whether that person is actually on the trail or not.

Duty of care

18(4) The owner or occupier of land owes a duty of care to users of a trail not to create a danger with deliberate intent of doing harm or damage to the person or the persons property.

Wildlife Act

Liability for trespass

- 96 A conservation officer or employee of the Department, acting in the discharge of the person's duties pursuant to this Act or the regulations, and any person assisting the conservation officer or employee, may enter upon any lands without being liable for trespass, but the person is not exempted from liability for actual damage caused by such entry.

Deer Farming and Marketing of Deer Products Regulations (Wildlife Act)

Definitions

- (i) "deer farm animal" means,
- (i) an elk having the scientific name *Cervus canadensis*,
 - (ii) a red deer having the scientific name *Cervus elaphus*,
 - (iii) a fallow deer having the scientific name *Dama dama*, or
 - (iv) a sika deer having the scientific name *Cervus nippon*,

that is held in captivity at a licensed deer farm for the purpose of producing animal products, and that is of at least third generation captive stock from a commercial licensed premises;

Licence

- 4(1) No person shall establish or operate a deer farm or hold in captivity any deer farm animal unless that person is the holder of a valid deer farmer licence.

Escape from captivity

- 11(2) Every person to whom a deer farmer licence has been issued whose deer farm animals escape from captivity shall
- (a) notify the Minister within 24 hours of the licensee becoming aware of the escape;
 - (b) make all reasonable efforts to restore the escaped deer farm animals to captivity;
and
 - (c) subsequently, within 15 days, report the full details of the escape and recovery to the Minister, or a person designated by the Minister.
- 11(3) Any deer farm animals not recovered within fifteen days of the date of notification to the Minister of the escape shall become the property of the Crown.

MUNICIPAL BY-LAWS

Bylaw # 75 – County of Kings Land Use Bylaw

<http://www.county.kings.ns.ca/comdev/lub/default.htm>

3.2.16 Small-Scale Wind Turbines

Small-scale wind turbines shall be permitted in M2, M3, M4, M5, M6, M7, A1, F1, S1, S2, CS, R6, R7, R8, O2 Zones subject to the following criteria:

- a. A minimum separation distance between turbines shall be equal to or exceed the height of the tallest turbine.
- b. The total height shall not exceed 170 feet.
- c. The rotor clearance shall be a minimum of 15 feet from grade.
- d. The setback shall be, at minimum, equal to the turbine's total height from rear, front and side lot lines, dwellings, public parking lots and public right-of-ways.
- e. Any climbing apparatus shall be a minimum of 10 feet above grade.
- f. Turbines greater than 20 shall not be mounted on or attached to any other structure.
- g. Turbines under 20 feet are permitted as accessory structures and may be permitted in any zone and may be mounted or attached to any other structure.
- h. The wind turbine shall not be within a 600 foot radius of neighbouring residential dwellings.
- i. The Municipality shall notify all residents with 500 feet upon issuance of a development permit for small-scale wind turbine(s).
- j. In addition to the application for a development permit, the following items are required:
 - Provide the manufacturer's information including: type of turbine, total height, rotor diameter, maximum rated output capacity, and Canadian Safety Association certification;
 - Provide a site plan showing the location of the small-scale wind turbine(s) in relation to lot lines, dwelling and distance from adjacent dwellings, showing that the turbine is not within a 600 feet radius of neighbouring dwelling;
 - Submit authorization documents from Transport Canada and NavCan; and,
 - Submit an Environmental Impact Assessment (only for sites located all or in part in an O2 Zone).
- k. There shall be no signs, advertisements or objects attached to or added to the turbine(s).

3.2.17 The owner shall remove the small-scale wind turbine(s) from the lot following one year of inactivity. A new application shall be submitted and approved before a new turbine(s) is installed or a wind turbine(s) is restarted after the expiration of the one year period. All supporting structures shall be removed within 60 days of the date of notification by the County.

POLICIES AND GUIDELINES

NSFA Policy Initiatives for 2010

<http://www.nsfa-fane.ca/news/nsfa-policy-paper-2010>

8. Non-Agriculture Waste Products

The activity of blending and stabilizing non livestock generated waste should not be considered a farming activity and should be managed in accordance with the provisions of the Environment Act. Individual municipal authorities should take the responsibility for the stabilization of their own waste products and be held accountable for the safety of the product.

The Federation's position is based on four principles:

1. Unless strategies are developed to allay the public's fear that the practice may in some way compromise the food system, the practice cannot be condoned.
2. The disposal of non agriculture waste is not an agricultural problem. Farmers have invested millions of dollars to ensure any waste produced on their farms is dealt with in an environmentally and socially acceptable manner. The greater community must accept the same level of responsibility for the waste they generate.
3. Any non livestock generated waste – bio-solids resulting from municipal treatment processes for example – should be the complete responsibility of the jurisdictions in which they are produced until they are fully stabilized and tested in accordance with criteria specified by the Nova Scotia Department of Environment and Labour.
4. If the farm community is expected to part of the solution to the disposal of non agriculture waste they, the farm community, must be involved in the development of the science that can make the practice acceptable to both the farm community and the greater community.

Policy Objective: The Federation recognizes that the use of non livestock generated waste, for example, bio-solids and sludge on agricultural land can create public perceptions that may not be conducive to the industry's focus on food safety; therefore the Federation does not encourage the use of non livestock generated waste as a soil amendment on agricultural land until there are recommendations based on sound science and food safety protocols.

The federation will encourage the continued study of these products and the development of:

1. A credible data base of technical data.
2. A regulatory environment based on that data the Province's preferred method of disposing of non agriculture waste on farm land.