

A BY-LAW RESPECTING THE DESTRUCTION OF CERTAIN DOCUMENTS

1. This By-law shall be known as and may be cited as the “Destruction of Documents By-law”.
2. 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 and that there is nothing of value therein.
3. 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 to the like effect.
4. 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 or resolutions of the Council;
 - f. Plans and surveying records; and
 - g. Affidavits of the Clerk made pursuant to this By-law.
5. All former Disposal of Records By-laws passed by the Council are hereby repealed and this By-law substituted therefor.

Schedule "A"

**Town of Port Hawkesbury
Resolution of Council**

WHEREAS the documents and records of the Town of Port Hawkesbury as set out in the affidavit of Colin MacDonald the Town Clerk, sworn to the _____ day of _____, A.D., 19__ 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 4 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 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 of Port Hawkesbury duly held on the _____ day of _____, A.D., 19__.

Town Clerk Signature

Schedule "B"

**Town of Port Hawkesbury
Affidavit**

IN THE MATTER of the Town Act

-and-

IN THE MATTER of the Destruction of Documents By-law of the Municipality of the Town of Port Hawkesbury.

I, COLIN MACDONALD of Port Hawkesbury, in the County of Inverness, Province of Nova Scotia, Clerk of the Town of Port Hawkesbury do make oath and say:

- 1. THAT I am the Town Clerk of the Town of Port Hawkesbury.
- 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 Port Hawkesbury 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 4 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 Port Hawkesbury,
in the County of Inverness,
Province of Nova Scotia, this _____
day of _____, A.D., 19_____.

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Colin MacDonald

A Commissioner of the Supreme Court
of Nova Scotia

