

**A BY-LAW TO REGULATE THE DISPOSAL OF
TOWN OWNED LANDS**

BY-LAW # 1054-08

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The Town Council of the Town of Sussex, under authority vested in it by Section 4 (2) (c) of the Municipalities Act, R.S.N.B., 1973, M-22 and amendments thereto, enacts as follows:

1. **TITLE**

This by-law may be cited as A By-Law to Regulate the Disposal of Town Owned Lands.

2. **DEFINITIONS**

In this by-law unless the context otherwise requires:

- (a) ***“Clerk”*** means the Clerk of the municipality;
- (b) ***“Corporation”*** means the municipality;
- (c) ***“Council”*** means the Council of the municipality;
- (d) ***“Councillor”*** means a member of the Council other than the Mayor;
- (e) ***“Mayor”*** means the Mayor of the municipality;
- (f) ***“Municipality”*** means the Town of Sussex;
- (g) ***“Municipal Officer”*** means a person appointed by the Council, under the Municipalities Act, in a supervisory capacity; and
- (i) ***“Treasurer”*** means the Treasurer of the municipality.

3. The Council shall require a survey plan prepared by a registered land surveyor for Town owned land proposed to be sold prior to any Council motion approving the sale of said land.
4. The disposal of Town owned lands shall require a motion of Council indicating the approval of the sale of said lands and that Town Council authorize the Mayor and Town Clerk to sign the deed on behalf of the Town.
5. No member of the Town Council or appointed Town official, by their self, or any firm or corporation in which any of the above mentioned persons has any interest other than as a shareholder, shall be eligible to purchase land, while such Council member or appointed Town official holds such office or position.
6. Any conveyance of land under this by-law shall be subject to the provision that the land shall revert to the Town, in the event construction is not commenced within one year from the time of the deed acquisition.

The Town reserves the right to reacquire the land together with all improvements in the said land at the same purchase price that the Town received for it.

7. In the event an owner sells his undeveloped property that was purchased from the Town, the regulations of this by-law shall apply to the new owner.

8. An owner, upon written request to the Council, may ask Council for an extension of time and such extension of time shall be at the discretion of the Council to develop his undeveloped lot and the Council may by a motion of Council grant an extension of time for an owner to develop his undeveloped lot.
9. This by-law shall not be applicable to parcels of land that are fully developed with a structure located on them.
10. The Treasurer, on behalf of Council, shall record, collect and deposit all monies received for the disposal of Town owned lands.

11. **PLURAL OR FEMININE TERMS**

Plural or feminine terms may apply whenever the singular, masculine or feminine is used in this by-law. It shall be considered as if the plural, feminine or masculine has been used where the context of the party or parties hereto so requires.

12. **VALIDITY**

The invalidity of any Section, clause, sentence or provision of this by-law shall not affect the validity of any other part of this by-law which can be given effect without such invalid part or parts.

13. **REPEAL**

- (1) A by-law entitled "By-Law # 1054-99, A By-Law of the Town of Sussex Regulating the Administration of the Disposal of Town Owned Lands" enacted April 26, 1999, and amendments thereto, are hereby repealed.
- (2) A repeal of the by-law designated in subsection (1) thereof shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal, nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

READ FIRST TIME BY TITLE JUNE 23, 2008

READ SECOND TIME BY TITLE JUNE 23, 2008

READ IN ENTIRETY AUGUST 25, 2008

THIRD READING BY TITLE
AND ENACTED AUGUST 25, 2008

PAUL I. MAGUIRE
TOWN CLERK

RALPH A. CARR
MAYOR